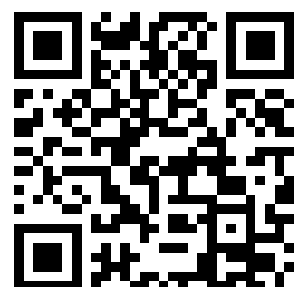


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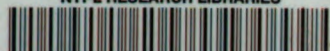
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1314-1700  
vol. 5













THE  
STATUTES  
AT LARGE,  
PASSED IN THE  
PARLIAMENTS  
HELD IN  
IRELAND:

FROM  
The Third Year of EDWARD the Second, A. D. 1310,  
TO  
The First Year of GEORGE the Third, A. D. 1761 inclusive.

WITH  
MARGINAL NOTES, and a Compleat INDEX to the Whole.

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PUBLISHED BY AUTHORITY.

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IN EIGHT VOLUMES.

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DUBLIN:

Printed by BOULTER GRIERSON, Printer to the King's Most Excellent Majesty. MDCCLXV.

B.A



ROY VAN  
DAN  
VANDER

THE  
STATUTES  
AT LARGE,  
PASSED IN THE  
PARLIAMENTS  
HELD IN  
IRELAND.

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VOL. V.

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Containing from the Eighth Year of GEORGE the First,  
A. D. 1721, to the Fifth Year of GEORGE the Second,  
A. D. 1731 inclusive.

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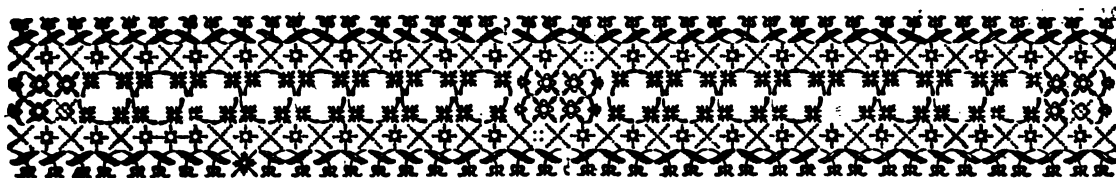
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DUBLIN:

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Majesty. MDCCXLV.

ROY WOOD  
1887  
WASH.



THE  
C O N T E N T S  
OF THE  
F I F T H V O L U M E.



The eighth year of *George I.*

C H A P. I.

**A**N act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes: and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also for granting and continuing the further additional duties on beer, ale, *aqua vitæ*, and strong waters, brewed and made in this kingdom; and upon brandy or spirits above proof; and on

VOL. V. a tea,



tea, coffee, chocolate, and cocoa-nuts; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned: and for securing the repayment of fifty thousand pounds *sterling*, formerly advanced to his Majesty for the use of the publick, together with the interest thereof

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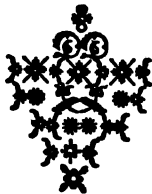
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A COLLECTION





**A. D.**

1721.

A  
COLLECTION  
OF  
STATUTES.

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**W**E your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, having the deepest sense of the many blessings we enjoy under your Majesty's most glorious and auspicious reign, and a delightful prospect of a general peace, which is wholly owing (under God) to your

VOL. V. A consummate

A. D. 1721.  
 Chap. I. consummate wisdom and unwearied endeavours for the repose and tranquility of Europe, with all thankfulness and humility own your Majesty's great goodnests towards us, and gratefully acknowledge your constant care and tender concern for the safety and welfare of this kingdom; and being highly sensible, that we cannot secure that happiness and prosperity owing to your Majesty's great care of us, or more effectually contribute to the strengthening the protestant interest of this kingdom, than by making good the necessary branches of your establishment, and securing the repayment of that debt, which your Majesty's faithful commons contracted to enable your Majesty to put this kingdom into a posture of defence, when a horrid and unnatural rebellion broke out against your Majesty in Great Britain, have in the most chearful manner unanimously given to your Majesty for the support of your government, and defence of this kingdom, the several duties herein after mentioned: and for that end do humbly beseech your Majesty, that it may be enacted, and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the several and respective additional rates, duties, and impositions upon beer, ale, strong waters, tobacco, and other goods and merchandizes, granted and continued from the one and twentieth day of November one thousand seven hundred and seventeen, until the one and twentieth day of November one thousand seven hundred and nineteen inclusive, in and by an act passed in this kingdom in the fourth year of your Majesty's reign, intituled, *An act for continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes*, and which were further granted and continued to your Majesty from the said one and twentieth day of November one thousand seven hundred and nineteen, until the twenty fifth day of December one thousand seven hundred and twenty one inclusive; by one other act passed the last sessions of Parliament in this kingdom, intituled, *An act for continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also on all sorts of wines, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax upon all salaries, profits of employments, fees, and pensions therein mentioned, and for continuing the further additional duty on ale, beer, and strong waters and spirits perfectly made, and upon spirits made and distilled of wine, and for granting an additional duty on molasses, treacle, tea, coffee, chocolate, and cocoa-nuts, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, be further granted, continued, raised, collected, levied, and paid, unto your Majesty, your heirs and successors, from the twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty three inclusive.

II. And be it further enacted by the authority aforesaid, That the several and respective other additional rates, duties, and impositions for and upon all sorts of wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine imported into this kingdom, and likewise the further and other additional duties and impositions on beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, granted to your Majesty from the twenty first day of November one thousand seven hundred and seventeen, until the twenty first day of November one thousand seven hundred and nineteen inclusive, in and by one other act passed in this kingdom in the fourth year of your Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of*

## The eighth year of George I.

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*of the publick, together with the interest thereof, and which were further granted and continued to your Majesty from the twenty first day of November one thousand seven hundred and nineteen, until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, in and by the before mentioned act passed the last sessions of this present Parliament, be further granted, continued, raised, collected, levied, and paid unto your Majesty, your heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty one, until the twenty fifth day of December one thousand seven hundred and twenty three inclusive.*

A. D.

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III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued to your Majesty all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of your Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof, and which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, by the before mentioned act passed in this kingdom the last sessions of this present Parliament, shall be and continue in full force to all intents and purposes, from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive.*

4 G. 1. 2.

IV. And be it further enacted by the authority aforesaid, That the several additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act passed the last sessions of this present Parliament from the first day of September one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, be further granted, continued, levied, raised, and paid to your Majesty, your heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive.

V. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, and chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures, and the trade thereof, in this kingdom.

VI. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby continued and granted, shall be raised, answered, collected, and paid, unto your Majesty, your heirs and successors, during the term aforesaid, at the same time, and by the same ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, and in such manner and form in all respects, as are prescribed, mentioned, and expressed, in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted, or by any other law now in force relating to the revenue*

14 & 15 C. 2.

A. D. revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly repeated and again enacted in the body of this present act; with like remedy of appeal to and for the party grieved, as in and by the said act of excise is provided.

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Chap. I.

VII. And be it further enacted by the authority aforesaid, That all and every person and persons having upon the twenty fifth day of December one thousand seven hundred and twenty one, or who shall have at any time from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred and twenty three inclusive, any office, salaries, profits of employments, fees, and pensions, upon the civil or military establishments in this kingdom, shall pay unto your Majesty, your heirs and successors, the full sum of four shillings *sterling* a year out of every twenty shillings a year, which he, she, or they, do or shall receive or be intitled unto by reason of such office, salaries, profits of employments, fees, and pensions, unless such person or persons do and shall live and actually reside within this kingdom six calendar months at least in each of the said years; which said tax or duty of four shillings *sterling* a year out of every twenty shillings a year as aforesaid shall be stopped and deducted yearly during the time and term aforesaid by the vice-treasurer, pay-master, and receiver-general of his Majesty's revenues, and be accounted for to your Majesty, your heirs and successors.

VIII. Provided always, and it is hereby declared, That this act shall not extend to charge the said tax or duty of four shillings *sterling* a year on every twenty shillings as aforesaid upon the salary, pensions, fees, or profits, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the salaries, fees, pension, pay, or profit of employment, payable to any person or persons, who shall by his or their offices and employments be obliged to an immediate attendance upon the persons of your sacred Majesty, or their royal Highnesses the prince and princess of Wales, or their issue, during their continuance in such their offices and employments; or to the pay of the officers of the army, or half-pay officers, upon the establishment of this kingdom.

IX. And be it further enacted by the authority aforesaid, That the six pence *per* pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of, the aids granted unto your Majesty this present session of Parliament, shall be received by the said vice-treasurer, receiver, or pay-master general, for the use of your Majesty, your heirs and successors, and duly accounted for by him or them to your Majesty, your heirs and successors, as a further and additional aid hereby given and granted.

X. And whereas your Majesty's faithful commons in the first session of this present Parliament, the better to enable your Majesty to provide for the defence and security of this your kingdom, came to an unanimous resolution, That whatever sums of money should be advanced and paid into your Majesty's treasury by any person or persons at the instances of their excellencies the then lords justices, or other chief governor or governors of this kingdom for the time being, for the defence thereof, should be made good with legal interest for the same out of such aids, as should be granted to your Majesty the then next session of Parliament: and whereas for the better securing of such sum or sums of money as should be so advanced, it is provided by an act passed in the said first session of this Parliament, intituled, *An act for continuing to his Majesty the additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, that such sum or sums of money, as should be so advanced and paid into your Majesty's treasury, should be repaid unto such person or persons, as should lend or advance the same, his or their executors, administrators, or assigns, with legal interest, out of the next aids to be granted by Parliament, without any deduction: and whereas the sum of fifty thousand pounds hath been advanced and paid into your Majesty's treasury in pursuance of the said resolution and act of Parliament, which debt remains still due and unsatisfied: be it further enacted by the

2 G. I. I.

the authority aforesaid, That such person or persons, who have advanced or paid in to your Majesties treasury any sum or sums of money, being part of the said principal sum of fifty thousand pounds, their executors, administrators, or assigns, shall have and receive, and be well and truly paid at the receipt of your Majesty's Exchequer, by the hands of the vice-treasurer or pay-master-general, his or their deputy or deputies, every six months the legal interest of the respective sum or sums of money, so by them advanced, without fee or charge, and free from all manner of deductions, defalcations, and abatements whatsoever, out of such your Majesties treasure or revenue as shall come to his or their hands, until they are respectively paid and satisfied the respective principal sums, so by them paid and advanced as aforesaid; and if any part of the said principal sum of fifty thousand pounds shall be due and unpaid on the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred and twenty three, the same shall be well and truly satisfied and paid unto the several and respective persons, their executors, administrators, or assigns respectively, to whom the same shall be then due, together with such legal interest for the same as shall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever

XI. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned be paid out of the aforesaid additional duties and aids, granted and continued to your Majesty by this present act, to the persons hereafter mentioned: (that is to say) a sum not exceeding fifteen hundred pounds *sterling* to the trustees of the linen manufacture, in order to build a proper ware-house as a repository for linen-manufactures exposed to sale; and likewise the further sum of one thousand and sixty pounds to be paid to the said trustees, to discharge a debt contracted by them for the use of the publick, occasioned by the deficiency of the funds formerly granted for the support and encouragement of the linen manufacture; and also the sum of three hundred pounds *sterling* to Matthew Pennefather esquire, accomptant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation laid before the house of commons this present session of Parliament; also the sum of three hundred pounds *sterling* to Bruen Worthington, and two hundred pounds *sterling* to Isaac Ambrose, clerks of the house of commons; and the further sum of two hundred pounds *sterling* to the said Bruen Worthington and Isaac Ambrose, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the house of commons; and also the sum of two hundred pounds *sterling* to John Kerr, clerk assistant; three hundred pounds *sterling* to Richard Povey, Serjeant at arms for his attendance on the house of commons; two hundred and fifty pounds *sterling* to William Bayly and Henry Bulkley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds *sterling* to John Fieldhouse and John Mulloy, door-keepers of the house of commons, to be equally divided between them; which said several sums are given to the said several persons as rewards for their said several services, attendances, and expence, this session of Parliament; and also the sum of nine hundred pounds *sterling* to William Burgh esquire, late accomptant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation, which were laid before the house of commons in the session of Parliament, which was in the year one thousand seven hundred and thirteen, and before the house of commons in the several sessions of Parliament, which were in the years one thousand seven hundred and fifteen, and one thousand seven hundred and seventeen; and also one hundred pounds *sterling* to Enoch Sterne esquire, as a recompence for his expences and trouble in soliciting and taking care of several publick bills transmitted into Great-Britain the last session of this Parliament; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

A. D.

1721.

## C H A P. II.

*An Act for amending an act, intituled, An act to explain and amend an act, intituled, An act for the more effectual preventing frauds committed by tenants.*

5 G. 2. 4.  
25 G. 2. 13.

Recital 4.  
G. 1. 5. sec.  
3.

Evaded by  
taking defence  
in name of a  
stranger; and  
by privilege.

where one  
year's rent  
due, landlord  
may bring  
ejectment, and  
on service of  
summons no-  
tice in writing  
given that it is  
for non-pay-  
ment of rent,

if defence  
taken, lease,  
&c. confess-  
ed, and plain-  
tiff proves  
counterpart,  
(5 G. 2. 4. &  
25 G. 2. 13.  
Evidence  
where no  
counterpart,)

**W**HEREAS by an act made in the fourth year of the reign of his present Majesty, intituled, *An act to explain and amend an act, intituled, An act for the more effectual preventing of frauds committed by tenants*, it is amongst other things enacted, “That from and after the twenty fifth day of December one thousand seven hundred and seventeen, as often as it shall happen, that more than one year’s rent shall be due and in arrear to any landlord or lessor, though there be distress sufficient on the land to answer the said rent and arrear, such landlord or lessor may serve a summons in ejectment for recovery of the demised premises, and shall recover and have judgment in such manner as by the said act is directed:” and whereas several artifices have been made use of to evade and elude the intention of the said act, and to defeat lessors of the remedy thereby intended them, particularly by taking defence to such ejectment in the name of some persons not deriving under such lease, whereby the plaintiff is obliged to make out the title of his lessor, and at other times by insisting on privilege of Parliament: for remedy whereof, be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of March in the year of our Lord one thousand seven hundred and twenty one, as often as it shall happen, that one whole years rent or more shall be due and in arrear to any landlord or lessor, such landlord or lessor may bring an ejectment for the recovery of the demised premises; and, upon service of the summons in the said ejectment, notice in writing shall be given to the person, on whom such summons shall be served, that such ejectment is brought on account of the non-payment of rent; and if any person or persons shall after affidavit made of such service take defence in such ejectment, and shall appear on the trial, and confess lease, entry, and ouster, and the plaintiff shall then make due proof of the perfection of the counterpart of the lease, by which such rent is reserved, and that such landlord or lessor, or those under whom he derives his title, have been in possession of such lands, tenements, or hereditaments, for three years before service of such ejectment, or shall



shall shew any sufficient title to the premises, for which such A. D. ejectment shall be brought, and it shall appear in evidence at 1721. the trial, that one whole years rent or more is due to the said Chap. 2. landlord or lessor, then the plaintiff shall recover and have judgment in the said ejectment, in such manner, and under such provisos, as by the said former acts is directed and appointed.

and possession on 3 years, or shews sufficient title, and one year's rent appears due, he shall recover as by 11 Anne 2. § 4. G. 1. 5.

II. And be it enacted by the authority aforesaid, That no privilege of Parliament shall be allowed in any ejectment brought for the recovery of lands, tenements, or hereditaments, on account of non-payment of rent, nor in any suit commenced against any person or persons on account of his or their wilful holding over any lands, tenements, or hereditaments, after the determination of his or their term, contrary to the true intent and meaning of the said act, intituled, *An act for the more effectual preventing of frauds committed by tenants*; nor in any suit or motion to obtain an injunction or writ of estrepement to prevent waste.

No privilege of Parliament in suit for non-payment of rent, holding over contrary to 11 Anne 2. or to stay waste.

III. And be it further enacted by the authority aforesaid, That notwithstanding any writ of error to reverse any judgment obtained in any ejectment brought by virtue of this present act, or of the said former act, execution shall issue and be executed, unless the party, that brings such writ of error, shall, within four days after such writ of error shall be tendered, pay into the court, where such judgment was obtained, all such sums as shall appear to be due for the rent of the lands, for which such ejectment was brought, together with full costs of suit; which sums the judges of the court, where the said judgment was obtained, shall order to be paid over to the lessor in ejectment, upon his giving sufficient security to repay the same, in case the said judgment shall be reversed.

Execution notwithstanding error brought, unless in 4 days arrears and full costs paid into court,

To be paid to lessor, on security if judgment reversed.

IV. And be it enacted by the authority aforesaid, That where any lease, for avoiding of which such ejectment is brought, shall before the bringing such ejectment have been mortgaged for a valuable consideration, and the lessee and mortgagee, and their respective assignees, shall and be duly served with summons in the said ejectment, and a proper affidavit or affidavits of the said summons shall be made, and duly filed, and the plaintiff shall obtain judgment and execution in the said ejectment, then if the said mortgagee or his assignee shall not within nine months after such execution executed pay or tender unto such landlord or lessor the said rent in arrear, and costs, to be ascertained in such manner as in and by the said acts is directed and appointed, then such mortgagee or his assignee shall be barred and foreclosed of all relief or remedy in law or equity on account of the said mortgage, and

If mortgagee of the lease or his assignee, duly served with summons, do not pay or tender to landlord in 9 months after execution executed arrear and costs, barred all relief.

A. D. and the said landlord or lessor shall from thenceforth hold and enjoy the demised premisses discharged and freed from the said mortgage and the equity of redemption; any thing in the said acts, or any law, to the contrary notwithstanding.

All mortgages of a lease and assignments shall be registered in 6 months after: or landlord may proceed tho' no summons.

V. And be it further enacted by the authority aforesaid, That all and every mortgage of any lease, and every assignment thereof, already made, shall be registered before the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and twenty two, in such manner as is required by the statute for publick registering of deeds, conveyances, and wills; and all such mortgages and assignments, hereafter to be made, shall be registered in like manner within six kalendar months after perfection thereof; and, in default of registering such mortgage or assignment in manner aforesaid, the landlord or lessor may proceed in ejectment, and obtain judgment and execution thereon, although such mortgagee or assignee be not served with summons in ejectment, in such manner as if such mortgagee or assignee had been duly served.

18 Ed. 4.  
1.  
10 & 11  
C. 1. 7.

Goods distrained may be appraised by 3 or more honest and discreet persons of the barony, to whom landlord may administer oath to value justly and indifferently.

25 G. 2.  
13.

VI. And whereas by the laws and statutes of this kingdom goods and chattles, taken by way of distress, and liable to be appraised, are to be appraised on oath by four or more honest and discreet persons of the manor or parish, where they are taken, which is found often to be very inconvenient, by reason that in many places the neighbouring inhabitants are in such combination among themselves, that they very often appraise their neighbours goods, so distrained, at much more than the person or persons, for whose benefit and advantage such distress is taken, can sell the same: for remedy thereof, be it further enacted by the authority aforesaid, That it shall and may be lawful to appraise any goods or chattles, that shall be taken by way of distress for rent, duties, or services, after the twenty fifth day of December one thousand seven hundred and twenty one, which by law are liable to be appraised, by three or more honest and discreet persons of the barony, where such distress shall be taken; and that the landlord, his steward, bailiff, agent, or receiver, may and shall administer an oath to such three or more honest and discreet persons of the barony, where such distress shall be taken, before such distress shall be appraised, that they will according to the best of their judgment, skill, and knowledge, justly and indifferently value and appraise the same; and the appraisement so made shall be as valid and effectual, as if the same had been made in pursuance of any former law or statute.

VII. And

VII. And be it further enacted by the authority aforesaid, That A. D. 1721.  
in all ejections, which shall be served for non-payment of rent Chap. 2.  
after the first day of March one thousand seven hundred and twenty one, notice shall be given in writing on the service of  
such ejection, that such ejection is brought on account of non-payment of rent.

On ejection for non-payment of rent, notice thereof to be given in writing.

VIII. And whereas distresses lawfully taken are frequently rescued, be it further enacted by the authority aforesaid, That if  
any distress, lawfully taken for rent, or services, or other legal dues, shall be rescued, if the person, on whose behalf such distress was taken, his agent or bailiff, or any person employed in taking such distress, shall within fourteen days after such rescue make oath thereof before any of his Majesty's justices of the peace of the county, where such rescue shall have been committed, which oath such justice is hereby authorized and required to administer, then such justice of the peace shall by warrant under his hand and seal order and require one or more constable or constables of the said county to go with and assist the person, on whose behalf such distress was taken, or his agent or bailiff, or the person employed by him as aforesaid, or the person making such oath, to distrain again for the said rent, services, or other legal dues, and to take with him a number of persons, sufficient to secure and convey the distress, so by him or them to be taken, to some lawful pound.

On rescue, a justice shall on oath in 14 days after order constables to assist to distrain again, and take persons to convey to pound.  
7 W. 3. 22.  
4 G. 1. 5.  
15 G. 2. 8.

IX. Provided always, That before any justice of the peace shall grant such warrant as aforesaid, there shall be deposited in the hand of such justice of the peace such reasonable sum of money, as such justice of the peace shall require, to satisfy such constable or constables, and his and their assistants, for their pains and trouble in executing such warrant; out of which money so deposited reasonable satisfaction shall be made by such justice of the peace after the service performed to such constable or constables and his and their assistants, returning the overplus; which money so paid shall in the first place be deducted out of the money arising by the sale of such distress, in case the same shall be sold, or otherwise shall be levied or recovered by distress and sale of the goods, as in case of a distress for rent, or by civil bill, against the person owing the rent, service, or other duty, for which such distress was taken, with costs of suit.

Constables, &c. to have reasonable satisfaction out of money first deposited with said justice,

deducted out of, goods sold, or recovered as rent, or by civil bill.

X. And be it further enacted by the authority aforesaid, That, if it shall appear upon oath to any justice of the peace of the county or place, where any corn or hay shall be lawfully distrained, that the same is in great danger of being rescued or unlawfully

On oath of danger of rescue of corn and hay distrained, justice may appoint taken watches,

**A. D.** taken away, then such justice of the peace shall by warrant as  
 1721. **and wages** aforeſaid order and impower any conſtable of the ſame county to  
 for each, not appoint a ſufficient number of fit perſons to watch, keep, and ſe-  
 above 1 s. nor cure ſuch corn or hay, until ſuch time as the ſame might lawfully  
 leſs than 6 d. be ſold, or ſhall be otherwiſe delivered by due courſe of law; and  
 for a day; nor each perſon ſo appointed ſhall be paid ſuch wages, as ſuch juſtice  
 leſs than 1 s. of the peace ſhall direct, not exceeding one ſhilling, nor leſs than  
 nor more than 1 s. ſix pence, for one day's attendance; nor leſs than one ſhilling, nor  
 1 s. and 6 d. more than one ſhilling and ſix pence, for a day and a night's at-  
 for a day and tendance, to any one perſon: provided, that the perſon, at whoſe  
 night. inſtance ſuch warrant ſhall be granted, ſhall before the granting  
 Money firſt of the ſame depoſite ſuch reaſonable ſum of money in the hand of  
 depoſited, and paid after the the ſaid juſtice of the peace, as ſuch juſtice ſhall judge to be ſuf-  
 ſervice. ficient for ſuch payment; which payment ſuch juſtice ſhall cauſe  
 to be made, according to the proportions above mentioned, after  
 One moiety the ſervice performed, returning the overplus; and one moiety of  
 at his charge the ſum, which ſhall be at the charge of the party, on whoſe be-  
 for whom war- half ſuch warrant was granted; and as to the other moiety there-  
 rant granted: of, ſatisfaction ſhall be made to the party, who made the de-  
 ſatisfaction for poſite, out of the money ariſing by the ſale of ſuch diſtreſs  
 the other as in the firſt place, in caſe the ſame ſhall be ſold, or otherwiſe  
 aforeſaid. ſhall be levyed or recovered by diſtreſs and ſale, as in caſes of diſ-  
 treſs for rent, or by civil bill, againſt the perſon owing the rent,  
 ſervice, or other duty, for which ſuch diſtreſs was taken, with  
 coſts of ſuit.

## C H A P. III.

*An Act to oblige ſhips coming from infected places more effectually to perform their quarantine: and for the better preventing the plague being brought from foreign parts into this kingdom.*

**W** H E R E A S ſeveral places in the ſouthern parts of France have been for  
 ſome time paſt, and ſtill continue to be, infected with the plague, which  
 occasions juſt apprehenſions, that the infection may be brought into this king-  
 dom from the places ſo infected: the better therefore to prevent the ſame be it  
 enacted by the King's moſt excellent Maſteſty, by and with the advice and con-  
 ſent of the lords ſpiritual and temporal and commons in this preſent Parliament  
 aſſembled, and by the authority of the ſame, That during the preſent infection in  
 France, and all future times, when any part of France, Spain, Portugal, Italy,  
 the Low-countries, the Iſle of Man, Sweden, Denmark, Norway, or any coun-  
 try, city, or town lying upon or near the Northern, German, or Baltick ſea,  
 or any part of his Maſteſty's dominions, ſhall be infected with the plague, it ſhall  
 and may be lawful to and for the lord lieutenant, or other chief governor or  
 governors of this kingdom for the time being, by and with the conſent and ap-  
 probation of the privy council duly aſſembled, or the major part thereof, (ſuch  
 major part being not leſs than three,) by any order or orders to be publiſhed by  
 proclamation,

## *The eighth year of George I.*

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proclamation, and signed by the chief governor or governors of this kingdom, and by such three or more of the said privy council, to prohibit all trade and commerce to and with any such kingdom, place, and port infected with the plague, or to or with any place, from whence they shall judge it probable the infection may be brought, under such pains, penalties, and forfeitures, extending, if they shall judge it necessary, to the taking away the lives of the crews, pilots, passengers, and all concerned directly or indirectly in sailing or navigating any ships or vessels to any part of the coasts of this kingdom from any such place or places, wherewith commerce shall be so prohibited as aforesaid, and to be inflicted or levied in such manner as they shall judge most effectual to prevent the bringing in of the said infection, and to the burning and destroying such ships or vessels with their tackle, apparel, and furniture, and their cargoes.

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II. And be it further enacted by the authority aforesaid, That for preventing any goods, wares, and merchandizes of such countries or places, with which trade shall be prohibited by such order or proclamation as aforesaid, from being brought into any port, creek, or other place in this kingdom by any ship or vessel from any other kingdoms or countries, it shall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, by and with the consent and approbation of the privy council, or the major part thereof, as aforesaid, by any order or orders, to be published by proclamation as aforesaid, to prohibit the bringing in any such goods, wares, or merchandizes, under such pains, penalties, and forfeitures, extending, if they shall judge it necessary, to the taking away the life or lives of the captain or master of such ship or vessel, and all concerned in the bringing in thereof directly or indirectly; and to be inflicted or levied in such manner, as they shall judge most effectual to prevent the bringing in of the said infection, and to the burning and destroying such ships or vessels, the tackle, apparel, and furniture thereof, and the said goods.

III. And whereas the master or other person having charge of such ship or vessel, as may be ordered or liable to be burnt or destroyed by vertue of this act, to prevent or avoid the same may privately, by running into creeks, or by standing off at sea, may get or procure fishing or other boats to put a shore or land the passengers or crew of such ship or vessel, and all or part of the lading thereof, which may prove highly dangerous to the safety of this kingdom: be it further enacted by the authority aforesaid, That during the present infection, and in all future times, when any of the places or countries herein before mentioned shall be infected with the plague, it shall and may be lawful to and for the chief governor or governors of this kingdom for the time being, with the approbation and consent of the privy council of this kingdom, and the major part thereof as aforesaid, by any order or orders notified by proclamation as aforesaid, to prohibit and forbid all and every person and persons whatsoever to sail, navigate, or row any ship or vessel, or boat, out of or into any boat, harbour, creek, or other place in this kingdom, other than out of or into such ports or harbours, as shall for that purpose be particularly mentioned and expressed in such order and proclamation, under such pains, penalties, and forfeitures, extending, if they shall judge it necessary, to the taking away the lives of such person or persons so sailing, navigating, or rowing such ship, vessel, or boat, out of or into any port, harbour, or place, not mentioned in such proclamation, and to the burning and destroying such ships, vessels, or boats, with their tackle, apparel, and furniture, and their cargoes, by such person or persons, and by such ways and means, and in such manner, as from time to time shall be directed and appointed in and by such order and proclamation as aforesaid.

IV. And

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IV. And the better to prevent all ships, vessels, and boats sailing coastwise to, or from, or going out of any port or harbour, to be mentioned in such order and proclamation as aforesaid, from taking in any person, wares, or merchandizes whatsoever out of or from on board any ship, vessel, or boat at sea: be it further enacted by the authority aforesaid, That during the present infection, and in all future times, when any of the places or countries beforementioned shall be infected with the plague, no person or persons, after such time as shall be appointed in any order or proclamation to be issued for that purpose as aforesaid, shall sail, navigate, or row any ship, or vessel, or boat whatsoever out of or from any port or harbour mentioned in such order or proclamation, without a certificate under the hand of the principal officer of his Majesty's revenue then residing in such port or harbour, containing the name of the port or harbour, and the names of the master, and of all and every other person or persons going in or on board such ship, vessel, or boat, and the particulars of all goods, wares, and merchandizes on board such ship, vessel, or boat; and such proper officer is required to grant one such certificate on demand without fee or reward, and as many duplicates thereof as shall be desired, taking one shilling for each duplicate, and no more; and in case any person or persons shall sail, navigate, or row any ship, vessel, or boat to, or from, or out of any port or harbour for that purpose mentioned in such order and proclamation as aforesaid, without such certificate, or shall refuse to deliver such certificate to the collector or other proper officer of his Majesty's revenue of the port or harbour, where such ship, vessel, or boat shall arrive within this kingdom, or in case such certificate shall be delivered unto the said collector or other proper officer, where such ship, vessel, or boat shall anchor or arrive, and there shall be found on board such ship, vessel, or boat, any person or persons, goods, wares, or merchandizes not mentioned and expressed in such certificate, then and in every such case as well the master or other person having charge of such ship or vessel, as every other person who shall be found on board such ship, vessel, or boat, not mentioned in such certificate, shall suffer such pains, penalties, and forfeitures, as the chief governor or governors for the time being, with the approbation and consent of the privy council of this kingdom, or the major part thereof as aforesaid, by their order notified by proclamation as aforesaid, shall judge necessary, extending even to the taking away of life; and the said ship, vessel, or boat, wherein any persons, goods, wares, or merchandizes not mentioned in such certificate, shall be found, or which shall be sailed, navigated, rowed, or come into any port or harbour in this kingdom without such certificate, shall be forthwith burnt and destroyed by such person or persons, and in such manner, as in and by the said order and proclamation shall be for that purpose directed and appointed.

V. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to prohibit or hinder the bringing into any port or harbour mentioned in such proclamation any fresh fish not mentioned in such certificate.

VI. And be it further enacted by the authority aforesaid, That during the present infection and in all future times, when any country or place shall be infected with the plague, all ships and vessels arriving in, and all persons, goods, and merchandizes whatsoever, coming or imported in such ships or vessels into any port or place within this kingdom from any place so infected, or from any place, the inhabitants whereof are known to trade or correspond with any country or place actually infected, or from any place, from whence the lord lieutenant or chief governor or governors of this kingdom for the time being, with the advice of the privy council, or such major part thereof as aforesaid, shall judge it probable that the infection may be brought, shall be obliged to make their quarantine in such place and places, for such time, and in such manner, as shall from time to time be directed by the lord lieutenant, or chief governor or governors of this kingdom for the time being, with the consent of the privy council, or such major part thereof as aforesaid, by such order or orders made and notified as aforesaid; and that until such

such ships, vessels, persons, goods, and merchandizes, shall have respectively performed and be discharged from such quarantine, no such persons, goods, or merchandizes, or any of them, shall come or be brought on shore, or go or be put on board any other ship or vessel, in any place within this kingdom, unless in such cases, and by such proper licence, as shall be directed or permitted by such order or orders made and notified as aforesaid; and that all such ships and vessels, and persons and goods, coming or imported in, or going, or being put on board the same, and all ships, vessels, boats, and persons, receiving any goods or persons out of the same, shall be subject to such orders, rules, and directions concerning quarantine, and the prevention of infection, as shall be made and notified as aforesaid.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the lord lieutenant, or other chief governor or governors, with the approbation and consent of the privy council of this kingdom, or the major part thereof as aforesaid, to nominate and appoint such and so many officers and persons, as they shall judge proper, with such stipends and salaries as they shall think fit, to take care that all ships, vessels, boats, persons, and goods whatsoever, ordered and directed to make quarantine, do make and perform their quarantine in such places, and for such time, and in such manner, and under such rules, orders, and directions, as shall be made and given by the said lord lieutenant, or other chief governor and governors and privy council, by order notified by proclamation as aforesaid; all and every of which said officers and persons, so nominated and appointed, are hereby impowered and required to put into strict execution all and every such orders and directions as shall be so given to them or any of them: and in case any person or persons whatsoever shall attempt or endeavour to land or come on shore, or shall actually land or come on shore, from on board any such ship, boat, or vessel, without licence from such officer or officers, person or persons appointed as aforesaid, it shall be lawful for such officer and officers, person and persons appointed as aforesaid, and such assistants as they shall require, and such officer and officers, person and persons, with such assistants, are hereby impowered and required, to resist, oppose, and drive back, by any kind of force or violence whatsoever, in such manner as shall be ordered and directed by the said lord lieutenant, or other chief governor or governors and privy council, or major part of the same, by order notified by proclamation as aforesaid, all and every person and persons offending as aforesaid, as being common enemies to his Majesty and this kingdom: and in case any officer or officers of his Majesty's customs, or any other officer or officers, person or persons whatsoever, to whom it doth or shall appertain to execute any order or orders, to be made as aforesaid for the preventing the infection being brought into this kingdom, and the spreading the same, shall be guilty of any wilful breach or neglect of his or their duty in that behalf; and also if any other person or persons whatsoever shall knowingly or willingly permit or suffer any person or persons whatsoever to land or come on shore from on board such ship, boat, or vessel, without licence as aforesaid, or shall conceal, aid, harbour, aid or succour, any such person or persons, who shall land or come on shore from on board such ship, boat, or vessel, without licence as aforesaid, or shall take any goods whatsoever out of or from any such ship or vessel, or receive any goods whatsoever, knowing that the same were taken out of such ship, boat, or vessel, without licence as aforesaid; then and in such case all and every such officer and officers, person and persons, so offending, shall be guilty of felony without benefit of clergy; and every person and persons who shall discover and prosecute any such offender, so as such offender be convicted, shall have and receive as a reward the sum of fifty pounds, to be paid by the collector of his Majesty's revenue for the county or place, where such conviction shall be, upon certificate of the judge, before whom such offender shall be convicted; which certificate shall be a sufficient discharge to such collector in his accounts.

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VIII. And whereas great quantities of lustrings, silk and cotton stockings, and other manufactures of silk, cotton, and hair, made in France, and also lamb-skins, kid-skins, shammy, and other skins manufactured and unmanufactured, of the growth or product of France, are frequently imported into this kingdom from those parts of France now afflicted with the plague, from whence it may be justly apprehended, that the infection may be brought into this nation : be it further enacted by the authority aforesaid, That during the present infection no paper, raw silk, cotton, hair, lustrings, silk or cotton stockings, or any other manufactures of silk, cotton, or hair made in France, or any lamb-skins, kid-skins, shammy, or any other skins manufactured or unmanufactured of the growth or product of or coming from any part of France, shall be imported, or brought into or landed in any part of this kingdom ; and that all such goods and commodities, imported contrary to the true intent and meaning of this act, shall be forthwith burnt by such person or persons, and in such manner, as shall be directed by such order or orders made and notified as aforesaid ; and that all and every person and persons, who from and after the first day of March one thousand seven hundred and twenty one shall import or knowingly receive the same, shall be guilty of felony without benefit of clergy.

IX. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the lord lieutenant, or other chief governor or governors and privy council of this kingdom, by any order or orders made as aforesaid, to be notified by proclamation as aforesaid, from time to time, and at all times during the present infection, to direct, order, and appoint, that all and every the owner and owners of any of the goods and commodities aforesaid, within such time as shall be directed and appointed by such order notified as aforesaid, shall lodge and deposit all and every the goods and commodities aforesaid in his, her, or their possession, with such person and persons, in such place and places, and to be disposed of in such manner, for the use of such owner and owners, as by such order notified as aforesaid shall be appointed ; and that all and every the person and persons, who shall neglect to lodge and deposit the said goods and commodities, or any of them, at the time, and with the persons, by such order or orders, made and notified as aforesaid, to be appointed, shall be subject and liable to such pains, penalties, and forfeitures, extending even to the taking away the life or lives of the offender and offenders, in such manner as in and by such order, notified as aforesaid, shall be directed and appointed.

X. And be it further enacted by the authority aforesaid, That the informer or discoverer and seizer of such forementioned goods, or any of them, shall receive a reward to the value of the goods out of the estate and effects of the offender.

XI. Provided always, That such goods and merchandizes herein before mentioned, which shall be so delivered to such person or persons, as shall be appointed in manner aforesaid to receive the same, for which it shall appear, that the custom and excise due to his Majesty has not been already paid and discharged according to the laws now in force, shall not be liable to any forfeiture or seizure, or the owner or owners of such merchandize to any penalty or information on account of non-payment of duties ; provided such owner and owners shall discharge and pay the said excise and custom on or before the said first day of March one thousand seven hundred and twenty one.

XII. And be it further enacted by the authority aforesaid, That during the present infection, and when any of the places aforesaid shall be infected with the plague, it shall and may be lawful to and for the chief governor and governors of this kingdom for the time being, from time to time, as to them shall seem reasonable, to quarter any part of his Majesty's forces upon the establishment of this kingdom along the sea-coast upon publick houses ; and, if there are not sufficient quarters in such publick houses for such troops as shall be by them so appointed, then upon private houses ; and in case any infection shall happen to be brought

into



into this kingdom, that it shall and may be lawful to and for the said chief governor or governors to quarter such forces upon publick and private houses in any part of this kingdom, as to him or them shall seem most convenient to prevent the spreading of such infection; any law to the contrary notwithstanding.

XIII. And forasmuch as it may be necessary that such city, town, or place in this kingdom, as shall happen to be infected with the plague, should be shut up or inclosed with lines, trenches, or otherwise, whereby such city, town, or place will be cut off from communication with the rest of the country, and therefore in case of such calamity it will be greatly necessary to make some reasonable provision for the support and maintenance of such persons, as by reason of such calamity, and their being excluded from commerce with their neighbours in manner aforesaid, would be unable to provide for themselves: be it further enacted by the authority aforesaid, That whensoever, and as often as it shall happen, that any infected city, town, or place in this kingdom shall be cut off from communication with the rest of the country as aforesaid, it shall and may be lawful to and for the lord lieutenant, and other chief governor and governors of this kingdom for the time being, by and with the advice and consent of the privy council, or the major part thereof, as herein before mentioned, to cause to be erected one or more sufficient magazine or magazines, store-house, or store-houses, near the said place infected, and to cause the same to be furnished with sufficient quantities of proper and convenient victuals, provisions, and other necessaries for the support and maintenance of such persons as shall be so shut up and inclosed within such lines and trenches as aforesaid, and in like manner to provide and lay up for the use and benefit of such persons, as shall be so shut up as aforesaid, a convenient and competent quantity of medicines and medicinal drugs, to be lodged in such magazine or store-house; and for the defraying the expences thereof, it shall and may be lawful to and for the said lord lieutenant, or other chief governor or governors of this kingdom for the time being, by his or their warrant to cause so much money to be issued out of his Majesty's treasury in this kingdom, as shall be sufficient for that purpose; in which order or warrant, to be granted as aforesaid, shall be specified and expressed the quantity and prices of the victuals, drugs, or other goods, to be laid up as aforesaid, and the name or names of the person and persons, to whose care the same are to be committed; which said person or persons shall be accountable for the same to his Majesty, his heirs and successors, according to the rules and orders to be given to him or them from time to time for that purpose by the lord lieutenant, or other chief governor or governors and council as aforesaid: and to prevent disputes that may arise concerning the price of such victuals, provisions, and other necessaries for the support and maintenance of such persons, as shall be so shut up within such lines, trenches, and other places, it shall and may be lawful to and for any two justices of the peace of such county, where the said victuals, provisions, and other necessaries shall be taken up, in case of any dispute about the price, to ascertain what rates shall be paid for such victuals, provisions, or other necessaries, and to direct the same, pursuant to such order of the chief governor or governors and privy council of this kingdom, or the major part thereof as aforesaid, to be delivered to such person or persons, as shall be appointed as aforesaid to receive the same.

XIV. Provided always, That if any person or persons shall think him or themselves aggrieved by such price, so ascertained by the said two justices, it shall and may be lawful to and for such person or persons, after delivery of such victuals, provisions, or other necessaries, to appeal to the next quarter-sessions, whose judgment therein shall be final and conclusive.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, with the consent of the privy council of this kingdom as aforesaid, to appoint one or more physician or physicians, one or more chi-  
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surgeon or chirurgeons, and one or more apothecary or apothecaries, and a convenient number of nurses, and other attendants, to attend and take care of all and every the person and persons so shut up as aforesaid, and to give them such rewards and salaries for the same as they shall judge convenient; which said salaries or rewards shall be paid out of his Majesty's treasury of Ireland by such warrant or warrants as aforesaid: and in case any one or more of the said physicians, chirurgeons, apothecaries, or nurses, shall happen to receive the infection in their attendance on any person or persons so shut up as aforesaid, and shall dye of such infection, it shall and may be lawful to and for the said lord lieutenant, or other chief governor or governors of this kingdom for the time being, with consent of the privy council as aforesaid, to appoint such salaries and pensions for the family and families of the person and persons so dying, as the said lord lieutenant, or other chief governor or governors of this kingdom and council as aforesaid, shall from time to time think reasonable.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, and the privy council as aforesaid, during the present infection, and when any of the places aforesaid shall be infected with the plague, during the continuance of this act, to make and establish such further rules, orders, and directions, for preventing the coming in or spreading of the infection, and to inflict such pains and penalties, extending even to death, burning of ships and cargoes, or any other punishment, to be executed in such manner and by such persons as they in their wisdom shall think fit and reasonable; which rules, orders, and directions so as aforesaid to be made and notified by proclamation as aforesaid, shall be as good and effectual in law to all intents and purposes, as if the same had been particularly mentioned and enacted in this present act, and shall be put in execution for such and so long time as in and by the said rules, orders, and directions shall be limited and appointed, not exceeding the continuance of this act.

XVII. And to the end that all persons may be duly informed of this act, and the matters and things herein contained, be it further enacted by the authority aforesaid, That this act shall be publickly read in all churches and chappels, and all other places of publick worship within this kingdom, on the first Sunday after the receipt of the same, and on the second Sunday in every month afterwards, immediately before the sermon, during the time this act shall continue in force; and shall be openly and publickly read in every sea-port town, and in every town or village next adjoining to every creek or harbour in this kingdom, by the chief officer or principal inhabitant of every such sea port town or village on the first Wednesday after the receipt thereof, and on the first Wednesday in every month afterwards between the hours of ten and twelve in the forenoon in the most publick part of such town or village.

XVIII. And be it further enacted by the authority aforesaid, That in case the lord lieutenant or other chief governor or governors of this kingdom, and the privy council of the same, shall, in pursuance of the powers herein before granted by their proclamation, prohibit trade and commerce with any kingdom or country infected, or that shall or may be hereafter infected, with the plague; and after such proclamation issued any person or persons shall land or cause to be landed any goods, wares, or merchandizes, from on board any ship, boat, or vessel, without having duly entered the same, or without the privy or consent of the chief officer or officers of the port or place, where the same shall be so landed; the person or persons, who shall so land such goods, wares, or merchandizes, shall be and is hereby declared to be a felon without benefit of clergy, and shall suffer pains of death; and the person or persons, who shall cause or procure such goods, wares, or merchandizes to be landed, shall forfeit the sum of five hundred pounds, for the benefit of the informer, who shall sue for the same in any of his Majesty's courts of record in Dublin by action

action of debt, bill, plaint, information, or otherwise; in which no essoin, protection, privilege of Parliament, or wager of law, shall be allowed, or more than one imparlance.

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XIX. And for the better watching and guarding the sea coasts during time of infection, be it further enacted by the authority aforesaid; That it shall and may be lawful to and for the justices of the peace in every county, division, or liberty, or any three or more of them, to direct and appoint the building of watch-houses in the most convenient place or places in every county, division, or liberty, which commands the view of the sea coast, and to settle a watch there to consist of so many watchmen, and to continue so long as the said justices shall think fit; and for building each of which watch-houses, such justices of the peace may order or contract for any sum or sums of money not exceeding the sum of forty shillings; and likewise appoint such allowance for such watchmen, not exceeding six pence for each watchman for twenty four hours, and for no more than four men to each watch-house; which sum or sums so ordered and appointed they shall certify under their hands and seals to the next general assizes or quarter-sessions, where such sum or sums so certified shall be added to the sums presented by the grand jury at such general assizes or quarter-sessions, and be levied on the said county in the same manner, as such sums so presented are usually levied and raised.

XX. Provided also, That it shall and may be lawful to and for the justices of the peace at their quarter-sessions for their respective counties, divisions, or liberties, to order such watch-houses to be built, and in such places, as the grand jury shall present to be necessary for the aforesaid purpose of guarding the coast, and to appoint such number of watchmen and such wages for them, as the said grand jury shall present to be necessary for each watch-house; so as the sum for building any one watch-house do not exceed five pounds, nor the wages of any one watchman for twenty four hours exceed eight pence; which sums shall be levied and raised on the inhabitants of each respective county, division, or liberty; in like manner as other publick money is usually levied and raised.

XXI. Provided always, and it is hereby enacted, That no attainder of felony by vertue of this act shall extend to work any corruption of blood, or forfeiture of any goods, chattels, lands, tenements, or hereditaments.

XXII. Provided also, That if any officer or person shall be sued or prosecuted for any matter or thing done in pursuance of this act, it shall and may be lawful for the defendant or defendants to plead the general issue, and give this act and the special matter in evidence; and in case judgment shall be given for such defendant or defendants upon any verdict or demurrer, or by default, or if the plaintiff in such action shall be nonsuited or discontinue his action, such defendant or defendants shall recover double costs.

XXIII. Provided always, and be it enacted by the authority aforesaid, That this act shall continue in force for one year, from the first day of February one thousand seven hundred and twenty one, and until the end of the next session of Parliament, and no longer.

Continuance  
one year.  
Expired.

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## C H A P. IV.

*An act for the more effectual quieting and securing possessions, and preventing vexatious suits at law.*

Debt by specialty, bond, judgment, statute, or recognizance, due 20 years before 25 December 1721, and no suit, interest, or satisfaction, may be sued for in 2 years, or presumed satisfied :

WHEREAS many of his Majesty's loving subjects, that have been in quiet and peaceable possession for many years of lands, tenements, and other hereditaments, as heirs at law by descent from their ancestors, or as purchasers for valuable consideration or otherwise, have been and may hereafter be put to great trouble and expence in defending themselves and their estates from vexatious suits, to be had against them by colour of old dormant debts and incumbrances pretended to have been contracted and due by persons, under whom they derive a title to their estates : now forasmuch as it may be reasonably presumed, that debts due by the space of twenty years or more, which have not been demanded, nor any suits prosecuted for recovery thereof, or any interest or other sums of money paid or received on account thereof, by the space of twenty years past, are satisfied and paid, though no legal discharge can be produced, or proof made of the payment thereof : be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, that are in any wise by law or equity intituled to any debt or duty, secured by any penal or single bill, or specialty under hand and seal, or any bond, judgment, statute staple, statute merchant, or recognizance, which hath been due and payable by the space of twenty years before the twenty fifth day of December one thousand seven hundred and twenty one, or longer, where no suit hath been prosecuted for recovery thereof, nor any interest or other sum or sums of money paid or received, or other satisfaction made on account thereof, by the space of twenty years before the said twenty fifth day of December one thousand seven hundred and twenty one, may prosecute their suits for recovery of such debts within the space of two years, to be computed from the said twenty fifth day of December one thousand seven hundred and twenty one, or in default thereof, such debt or debts shall be presumed to be satisfied and paid ; and in case any action or suit shall after the twenty fifth day of December one thousand seven hundred and twenty three be commenced or prosecuted for recovery of such debt or duty either in law or equity, the party or parties so sued shall and may be at liberty to plead payment of such debt in bar of such action or suit,

suit, and such plea shall be received and allowed as an effectual bar thereof, as if the money had been paid at the day and place at first limited for payment thereof, unless the plaintiff or plaintiffs in such action or suit make proof, that some action or suit hath been prosecuted for recovery of such debt, or some interest or money hath been paid, or other satisfaction made on account thereof, within the space of twenty years before such action or suit brought or commenced.

II. And be it further enacted by the authority aforesaid, That if after the said twenty fifth day of December one thousand seven hundred and twenty three any person shall commence or prosecute any action or suit either in law or equity for recovery of any debt due by single bill or bond under hand and seal, or by judgment, statute staple, statute merchant, or recognizance, which shall have been due and payable by the space of twenty years before such action or suit brought, where no action or suit hath been prosecuted for recovery thereof, nor any interest or money hath been paid, or other satisfaction made on account thereof within the space of twenty years before the commencement of such action or suit, the defendant or defendants shall and may be at liberty to plead payment in bar of such action or suit; and such plea shall be received and allowed as an effectual bar thereof, unless the plaintiff or plaintiffs in such action or suit, or those under whom he or they claim, hath or have commenced or prosecuted some action or suit for the recovery of such debt or duty, or shall prove that some interest or money hath been paid, or other satisfaction made on account thereof, within the space of twenty years before such action or suit commenced.

III. And whereas it is highly reasonable for quieting of possessions, that there should be a time limited for the redemption of mortgages: be it therefore enacted by the authority aforesaid, That in case any mortgagee or mortgagees of any lands, tenements, or hereditaments whatsoever, have been in possession thereof by the space of twenty years or upwards, and the mortgagor or mortgagors, or his or their heirs, executors, administrators, or assigns, or the person or persons intituled to the equity of redemption of such lands, tenements, or hereditaments, have permitted the mortgagee or mortgagees, his or their heirs, executors, administrators, or assigns, to continue in possession of the mortgaged premises, without bringing his or their bill to redeem the same, or to bring the mortgagee or mortgagees, his, her, or their heirs, executors, administrators, or assigns, to account for the profits of the lands and premises mortgaged; and shall not before the twenty ninth day of September, which shall be in the

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If after 25

December

1723, suit for

recovery of

debt by bill,

bond, judgment,

statute,

or recogni-

fance due 20

years, where

no suit, or in-

terest, &c.

in twenty

years, payment

may be plead-

ed in bar, un-

less plaintiff

proves interest

paid, &c.

Mortgagee

20 years in

possession,

without a bill

to redeem or

to account,

mortgagor,

&c. not bring-

ing a bill be-

fore 29 Sept.

1723, and

prosecuting it

year with effect,

A. D. year of our Lord one thousand seven hundred and twenty three,  
1721. commence their suit in equity to redeem such mortgage, or for

Chap. 4. the recovery of the possession of the mortgaged premises, and  
 ~~~~~ prosecute the same with effect; that in every such case it shall  
 possession may be plead- be lawful for the person or persons claiming the interest and estate  
 ed in bar, and in any such mortgage, mortgages, in all courts of equity to  
 the lands dis- plead such possession in bar of any relief; and that such mortgagee  
 charged of or mortgagees, their heirs, executors, administrators or assigns,  
 equity of re- shall hold the lands and premises mortgaged to them freed and  
 demption. discharged of and from all equity of redemption whatsoever.

Records and IV. And whereas by reason of the several rebellions; which  
 evidences lost have been in this kingdom, several records, and also many settle-  
 by the several ments, deeds, and other evidences relating to the titles of the  
 rebellions: estates of his Majesty's subjects, have been lost or defaced: be it

all persons further enacted by the authority aforesaid, That all and every per-  
 not already son and persons, bodies politick or corporate whatsoever, who are  
 barred, claim- not already barred by the law now in being, who shall claim or  
 ing estate or pretend any estate or interest either in law or equity in any lands,  
 interest in, or tenements, or hereditaments in this kingdom, of which such per-  
 on lands, of son or persons, bodies politick or corporate, or those under whom  
 which not in he, she, or they claim, hath not or have not been in possession  
 possession 20 at any time within the space of twenty years before the twelfth  
 years before day of September one thousand seven hundred and twenty one,  
 12 Sept. 1721, shall sue in 5 years from  
 shall sue in 5 thence, or for  
 years from ever barred.

Not to bar V. Provided always, and be it further enacted by the autho-  
 those who sue rity aforesaid, That nothing herein contained shall be construed  
 in 5 years af- to bar the title or claim of any person or persons, bodies politick  
 ter title accru- or corporate, who shall commence and prosecute his, her, or  
 ed, their action or suit within the space of five years next after his,  
 her, or their title to any lands, tenements, or hereditaments, or  
 any incumbrance thereon shall accrue; any thing herein contained  
 to the contrary thereof in any wise notwithstanding.

or after dif- VI. Provided always, and be it enacted by the authority afore-  
 ability remov- said, That nothing herein contained shall be construed to bar the  
 ed. right or remedy of any person or persons, who shall be a *feme*  
*covert*, or within the age of twenty one years, *non compos mentis*,  
 or in prison, or out of the kingdom, or his, her, or their legal  
 representatives, provided he, she, or they shall commence and  
 prosecute his, her, or their respective actions or suits within five  
 years next after such their respective disability shall be removed.

*The eighth year of George I.*

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VII. Saving to the King's most excellent Majesty, his heirs and successors, now, and at all times hereafter, all right, title, and claim to any lands, tenements, rents, hereditaments, mortgages, recognizances, debts, duties, and demands whatsoever, as if this act had never been made; any thing therein contained to the contrary notwithstanding. A. D. 1721.   
 Saving the right of the King.

C H A P. V.

*An act to oblige proprietors and tenants of neighbouring lands to make fences between their several lands and boldings.*

WHEREAS it is found by experience, that many trespasses happen, and frequent disputes arise, between proprietors of lands about mears and bounds of lands; which is in a great measure occasioned by the proprietors and tenants neglecting to make fences between their several lands and holdings, which heretofore could not be done at equal expence, without the mutual consent and concurrence of the respective proprietors or tenants of such contiguous lands: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of February in the year of our Lord one thousand seven hundred and twenty one, if any proprietor, occupier, or tenant of any lands in this kingdom, shall be desirous to make ditches or fences between his, her, or their lands and holdings and the lands next contiguous and immediately adjoining thereto, where no dispute then shall be, or shall have been, for three years then last past about the mears between the said lands or holdings so intended to be fenced, and where no sufficient fences, or only dead and dry fenceless ditches, then shall be, that the proprietor or proprietors, occupier or occupiers, or tenant or tenants of such neighbouring lands, on reasonable request to him, her, or them made, shall be, and is hereby obliged to be at equal expence in making between such several lands and holdings good and sufficient ditches of six foot wide and five foot deep at least, where the same is practicable, well and sufficiently quicked in good husbandlike manner with white thorn, crab, or other quicksets, where the same will grow, and, in ground where such quicksets will not grow, with furz, and where furz will not grow, or where ditches cannot be made of the said depth and 5 G. 2. c. 9.   
 Proprietor or tenant of lands desiring to make fences between his and those adjoining, where no dispute about mears for 3 years, proprietor or tenant thereof shall be at equal expence.   
 Ditches six feet wide, and five deep, with quicksets, or furze,

VOL. V. F wideness,

A. D. 1721. Chap. 5.  or a dry stone, or mud-wall, not under five feet high, two and a half at bottom, one and a half at top, or trenches, the banks planted with aquaticks.

wideness, instead of a ditch with a dry stone wall, where stone can be conveniently had, and, where stone cannot conveniently be had, with a clay or mud wall not under five foot high and two foot and a half thick at the bottom, and one foot and a half thick at the top, and in wet low ground with sufficient trenches or drains, the banks thereof to be planted with fallows, alder, or other aquatick trees, where such aquaticks will grow; and if any proprietor, occupier, or tenant of any neighbouring lands, shall refuse to settle and ascertain the mears and bounds between his, her, or their lands and holdings and the lands and holdings of such person or persons requiring the same, in order to have fences made as aforesaid, then and in that case such proprietor, occupier, or tenant of such lands so refusing, shall be compellable by bill in equity, or commission of perambulation, to fix, adjust, settle, and ascertain the mears and bounds between his or her lands and holdings and the lands and holdings of the person or persons requiring such fence to be made; and such neighbouring proprietors, occupiers, or tenants, shall join and be at equal expence in making and preserving, scouring and repairing such ditches, trenches, drains, or fences as aforesaid, with such proprietor, occupier, or tenant of the neighbouring lands requiring the same; and if such neighbouring proprietor, occupier, or tenant refuse, or for the space of one whole year neglect, so to do, then and in such case it shall and may be lawful for the proprietor, occupier, or tenant of such neighbouring lands requiring the same, to make the said ditches, wall, trench, drain, or other fence as aforesaid, and the tenant or tenants, occupier, or occupiers of such neighbouring lands, who shall refuse or neglect to make such ditches, drains, or fences as aforesaid, shall be answerable for, and shall pay to, the person or persons, who shall make or cause the same to be made, one full moiety of what he, she, or they shall reasonably, *bona fide*, and without fraud or malice, lay out in making such ditches, walls, drains, trenches, or fences, and in planting such quicksets, and weeding them, and securing the same as aforesaid, together with legal interest for such moiety of such sum so laid out as aforesaid; to be recovered by action of debt in any of his Majesty's courts of record in Ireland; or, if the sum expended be under ten pounds, then by civil bill before the justices of assize and general goal delivery for the county or liberty, where such fences shall be made as aforesaid, and in the county of Dublin before the justices of the peace at their general quarter sessions of the peace to be treble costs, held in and for the said county, with treble costs.

On refusal, compellable by bill or commission of perambulation to ascertain the bounds,

expence of making and preserving fences, equal;

Proprietor refusing one whole year shall pay half of what is reasonably and *bona fide* expended,

with interest, by debt; or if under 10*l.* by civil bill,

II. Provided



II. Provided always, That there shall not be demanded above one shilling and six pence *per* perch of such stone or other wall of the height and thickness aforefaid, or above one shilling *per* perch for such ditch, trench, drain, or other fence made and planted as aforefaid, by the person or persons, who shall make or cause the same to be made; and if it shall happen, that after such ditches and fences are made as aforefaid, the person or persons, whose lands the same lie on, and who ought to keep up the same, do not weed such quickset, and mend, preserve, and keep up such fences, or his part thereof, as they ought to do, that then and in that case the person or persons so neglecting or refusing to weed such quicksets, and to mend, preserve and keep up his part of the said fence, shall have no remedy for any involuntary trespass committed by the cattle of the proprietor, occupier, or tenant of any the neighbouring lands, for any trespass on his, her, or their lands, or occasioned by his, her, or their default in mending, preserving, or keeping up his, her, or their part of such fence or fences as aforefaid.

A. D. 1721.  
Chap. 5.  
not above 1 s. and 6 d. *per* perch for such wall, or 1 s. for a ditch, &c.

If fences not preserved, no remedy for involuntary trespass.

III. And whereas the tenant or occupier of such lands, who shall be obliged by this act to ditch and fence as aforefaid, or pay for the same, may be only tenant at will or sufferance, or have a very short term in the said lands, so held by him or her: be it further enacted by the authority aforefaid, That every person or persons compellable by this act to ditch and fence as aforefaid, or to pay for the same, who shall not have an estate for life or eleven years in his, her, or their lands, to be fenced and ditched between as aforefaid, at the time the proprietor or tenant of the neighbouring lands shall request him or her to ditch or fence as aforefaid, that then and in such case such tenant shall be and is hereby impowered to deduct out of the rent due to his, her, or their landlord or lessor what he, she, or they shall so lay out, expend or pay, and such landlord or lessor shall and is hereby required to allow the same; such tenant or tenants first proving on oath before the justices of the peace of the county, where such lands lie, at their general quarter-sessions (which oath such justices are hereby impowered to administer) what he, she, or they so laid out, expended, or paid.

Tenant, not having estate for life or 11 years at the time of request, shall deduct out of his rent the said expence, first proving it on oath at sessions.

IV. Provided always, That no tenant or farmer for life or years shall be obliged to ditch or fence above one fifth part of his, her, or their lands, or holdings in any one year.

Tenant not obliged to fence above one fifth yearly.

V. And whereas the bounds and mears between lands do often run in crooked lines, and sometimes through places inconvenient for making of such ditches or fences as aforefaid, and it would be most convenient for the occupiers and proprietors of such neighbouring

Where mears crooked,

**A. D.** neighbouring lands to make the fence between them in a streight line, and to exchange the lands left out on one side of such  
 1721. streight line for the lands of equal value, worth, and purchase,  
 Chap. 5. took in on the other side thereof; which may happen to be impracticable for want of a sufficient estate in the proprietors of such neighbouring lands, or one of them, to make such exchange:

Boundaries may, with consent of tenant and immediate owner in reversion in writing, &c. be made streight and in more convenient places, be it therefore enacted by the authority aforesaid, That in such cases the persons, whose lands are so contiguous and to be bounded by a fence between them as aforesaid, may, and they are hereby impowered and enabled, by consent of the tenant or tenants of such lands, and the immediate owner and proprietor thereof in reversion expectant on the lease then in being, appearing by writing under hand and seal attested by three credible witnesses at least, to make the boundaries in streight lines in more

and the lands exchanged on each side, reversioner must be seized at least for life, remainder in tail to his sons. convenient places, and to exchange the lands on one side of such streight line or fence for the lands of equal value, worth, and purchase on the other side of such right lines; so as such reversioner be seized of the lands, which he shall so grant in exchange, at the least for term of his own life, with remainder limited over to the sons of his body begotten in tail male; and if it shall happen that the lands, left on one side of such streight line or fence,

Where the lands unequal in value, there may be a perpetual rent-charge on the greater proportion, to go as the land ought. shall be of a greater value, worth, and purchase, than the lands took in on the other side thereof, then and in such case the proprietor, to whom the greater proportion shall fall, shall be enabled to charge the same with a perpetual rent-charge sufficient to countervail such difference or disproportion; which rent-charge shall go to such person and persons, and for such estate and estates, and to and for the same uses, as the land so charged ought to have gone; and the lands received in exchange shall go to such person and persons, and for such estate and estates, and to and for the same uses, as the lands given in exchange ought to have gone, in case no such exchange had been made.

Exchanged lands, to same uses. ought to have gone; and the lands received in exchange shall go to such person and persons, and for such estate and estates, and to and for the same uses, as the lands given in exchange ought to have gone, in case no such exchange had been made.

House, garden, &c. not included. **VI.** Provided always, That no house, garden, orchard, wood, or grove, be included in such lands, so to be exchanged as aforesaid,

Exchange binding, notwithstanding any limitation, **VII.** And be it also enacted by the authority aforesaid, That all such exchanges or agreements shall be binding to all persons, any devise, settlement, or limitation of use to the contrary notwithstanding:

if not above two acres every 100 perch, at 21 feet each. provided the lands so exchanged to the intent aforesaid do not exceed the quantity of two acres plantation measure in every one hundred perches of such line or fence; each perch in this act mentioned containing twenty one foot and no more.

**VIII.** And

VIII. And be it further enacted by the authority aforesaid, A. D. 1721. That in case any person shall refuse to fence or plant according to the true intent and meaning of this act, so as in default of so doing the proprietor, possessor, or tenant of the adjoining land shall fence and ditch between his land or holding and the neighbouring lands or holdings, the person or persons so ditching or fencing as aforesaid shall and may ascertain and set out an equal proportion of such fence, which the tenant or tenants, or occupier or occupiers, of the adjoining lands shall be obliged from time to time to keep in good order and repair as his part of the said fence, and to weed and preserve the quicksets, if any planted thereon. Chap. 5.

The person fencing, on refusal of the other, shall ascertain an equal proportion to be preserved by the other.

IX. Provided always, That nothing herein contained shall extend to avoid any covenants or contracts made between landlord or tenant for fencing, ditching, draining, and inclosing lands. Not to avoid contracts between landlord and tenant.

X. Provided likewise, and be it further enacted, That where the landlord or landlords are obliged to allow his, her, or their tenant or tenants for ditching or fencing between their holdings and their neighbours as aforesaid, such tenant and tenants respectively, to whom such allowance shall be made, shall at the time of making such allowance give security by his or their own bonds of the penalty of the whole sum so allowed to such landlord and landlords, conditioned for the due and effectual weeding of such quicksets planted, and the preserving and keeping up the said ditches and fences, for which they shall be so allowed during their respective terms in the said lands, in good tenantable order and condition; and, in case of refusal to give such bond as aforesaid, such tenant so refusing shall not have the benefit of such allowance, any thing herein contained to the contrary notwithstanding. Tenant on allowance by landlord for fences shall give bond for preserving; or not have benefit of allowance.

XI. Provided always, That nothing in this act contained shall extend to oblige any proprietor, occupier, or tenant, of any lands to fence or ditch between any lands, whereof the plantation acre shall not at the time, when request shall be made for the doing thereof, be worth, and which shall not really pay the landlord, two shillings *per annum*, over and above quit or crown rent. None obliged to fence, where plantation acre pays not to landlord 2 s. *per annum*, above quit or crown rent.

XII. Provided also, That no proprietor or lessor of such lands shall be obliged to pay or allow in any one year for ditching or fencing as aforesaid in pursuance of this act more than the twentieth part of the annual rent, payable out of such land to such proprietor or lessor; and that the tenant or tenants of such proprietor or lessor shall not be obliged to expend more in any one year in making such fences, than the twentieth Lessor not obliged to allow more than 20th. part of annual rent, nor tenant to expend more, in one year.

A. D. 1721. tieth part of his or their rent payable to such proprietor or lessor.

None obliged to fence any inclosure not containing 10 acres, a ditch above six feet wide, and five deep. usual passages left open.

XIII. Provided always, That no proprietor, tenant, or occupier of land, shall by virtue of this act be obliged to fence in or enclose any parcel of land or ground in any one park or inclosure, which shall not contain at least ten acres plantation measure, with a ditch or fence of above six foot wide, and five foot deep; and that the most usual ways and passages to and from intermixed lands, surrounded by other proprietors, be left open and passable as formerly; any thing herein contained to the contrary notwithstanding.

No mears so made conclusive, unless agreement in writing, &c. or suffered to stand five years after determination of lease in being, or after disability removed.

XIV. Provided always, That no mears between lands belonging to several proprietors, inclosed or ditched by virtue of this act, shall be binding or conclusive, so as finally to settle the mears and bounds between such lands, unless the proprietors of the said lands do agree to the same in writing under his, her, or their hand and seal, attested by three or more credible witnesses, before or after the time of such ditching, fencing, or bounding, or shall suffer the said mears so ditched and inclosed to stand for the space of five years after the determination of such lease or leases of the said lands, as are or shall be then in being; and in case of infancy, coverture, being beyond sea, or of *insane* memory, or where a remainder shall be claimed by any settlement or will, five years after attaining the age of one and twenty years, becoming *discovered*, returning from beyond sea, or becoming of *sane* memory, or from and after such remainder shall take place.

#### C H A P. VI.

*An act for the further amendment of the law, and for continuing and amending several acts near expiring.*

17 & 18 C. 2. 20. Writs of assize and *nisi prius* may be before *puisne* barons, or any of King's council,

who may also be commissioners of

**W**HEREAS a doubt has been made whether writs of *nisi prius* or assize can be executed before the *puisne* barons of his Majesty's court of Exchequer, not being sworn serjeants: for the speedier dispatch of justice, be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament, and by the authority of the same, That writs of assize and *nisi prius* shall and may be executed before the said barons of his Majesty's court of Exchequer, or any or either of them, or before his Majesty's prime serjeant at law, attorney-general, solicitor-general, or any or either of them, or any other of his Majesty's council learned in the law; and that they, or any, or either of them, may be commissioner or commissioners

missioners of oyer and terminer, and goal-delivery, and shall have such and the same power, as the justices of the one bench or the other have in the execution of such writs or commissions in every or any county of this kingdom, when so appointed; any law or statute to the contrary notwithstanding.

A. D. 1721.  
Chap. 6.  
goal delivery, &c.

II. And whereas by an act of Parliament made in the fifteenth year of the reign of King Charles the first, intituled, *An act against discontinuances of writs of error in the court of Exchequer, and for the better expedition in giving judgment therein*, it is among other things enacted, "That if both the chief justices of either bench, or any one of the great officers, the lord chancellor, lord-treasurer, or the vice-treasurer, shall come to the Exchequer-chamber, and be there present at the day of adjournment, there shall be no discontinuance:" and whereas it may be inconvenient at all times to require the attendance of both the said chief justices at the day of such adjournment: be it therefore further enacted by the authority aforesaid, That if any one of the said chief justices of either bench shall come to the Exchequer-chamber, and be there present at the day of adjournment, there shall be no discontinuance; and that it shall and may be lawful to and for the said chief justices, or either of them, in the absence of the said chancellor, treasurer, and vice-treasurer, to adjourn the said court of Exchequer-chamber to such further day and time, as shall be proper and convenient.

Recital of  
15 C. 1. 5.  
Sec. 1.  
1 G. 2. 17.

If one chief justice in Exchequer chamber at day of adjournment, no discontinuance; may adjourn in absence of lord chancellor, &c.

III. And be it further enacted by the authority aforesaid, That at all times hereafter when the lord chief baron of this kingdom shall be absent from Dublin, every person or persons nominated and appointed to any office or employment, and who by the laws of this kingdom are directed to be sworn before the lord chief baron, and take the oath or oaths of office before him, shall and may be sworn into their respective office or offices in the absence of the lord chief baron before the chancellor of his Majesty's court of Exchequer in this kingdom, or before any one of the barons thereof, who are hereby impowered and required to administer the said oaths; and that such person or persons, who shall be so sworn before the said chancellor of the Exchequer, or either of the said barons, shall and are hereby declared to be as effectually instated on his or their office or offices, and shall take upon him or them the execution thereof in the same manner, as if they had actually been sworn before the lord chief baron; any law or statute to the contrary notwithstanding.

In absence of chief baron, oaths of office may be taken before chancellor, or any baron, of Exchequer.

IV. And whereas by an act passed in the second year of his present Majesty's reign, intituled, *An act for the reviving and amending an act*, intituled, *An act for recovery of small debts in a summary way before the judges of assize*; it is amongst several other things enacted,

Recital of  
2 G. 1. 11.  
Sec. 2.

A. D. enacted, " That the summons or process should be served on the  
 1721. " defendant, if he could be met with, and if he cannot be met  
 Chap. 6. " with, then by shewing the original process or summons to, and  
 " leaving a copy of the same with, the defendants wife, son,  
 " daughter, or menial servant, being of the age of sixteen years,  
 " at the defendants usual place of abode:" and whereas the said  
 process shewed to, and copies thereof left with the brothers,  
 sisters, or other relations of the defendants living in his or her  
 house, have not been deemed good service: be it further enacted  
 by the authority aforesaid, That the shewing the original process  
 or summons unto, and leaving a copy thereof at the defendants  
 house with, the brother, sister, or any other relation of the defen-  
 dants, living within the defendants house, and being of the age of  
 sixteen years and upwards, shall be for the future deemed and  
 taken to be good service of the defendants.

On civil  
 bill service of  
 process on any  
 relation of de-  
 fendant, liv-  
 ing in his  
 house and 16  
 years old,  
 good.

Officers of  
 inferior courts,  
 before delive-  
 rance of dis-  
 tresses shall  
 take from  
 plaintiff in re-  
 plevin bond  
 with sureties  
 to prosecute,  
 and to return  
 goods if so a-  
 awarded.

11 G. 2. 19.  
 sec. 23. Eng.

and assign  
 the same by  
 indorsement  
 to avowant,  
 paying 6 d.

who may  
 sue in his own  
 name.

2 G. 1. 12.  
 Defects  
 therein.

Members of  
 parliament and  
 justices adja-

V. And be it further enacted by the authority aforesaid,  
 That all seneschals, stewards, judge or judges, officer or officers,  
 of inferior courts, having lawful power to grant or issue out  
 replevins, are hereby required to take in his or their names  
 from the plaintiff or plaintiffs in replevin a bond with sufficient  
 sureties for prosecuting of the suit, and also for returning of the  
 goods and chattles so replevied, if a return be awarded, before  
 he or they make deliverance of the distresses.

VI. And be it further enacted by the authority aforesaid,  
 That the seneschals, stewards, judge or judges, officer or officers,  
 of such inferior courts, at the request and costs of the avowant or  
 defendant in such action or suit, shall assign to the avowant or de-  
 fendant in such action or suit such bond, taken from the plaintiff  
 in replevin, by endorsing the same under his or their hands and  
 seals in the presence of two or more credible witnesses, for which  
 six pence shall be paid, and no more; and if such bond taken  
 from the plaintiff or plaintiffs in replevin be forfeited, the avow-  
 ant or defendant in such action or suit, after such assignment  
 made, may bring an action in his own name, and proceed to  
 judgment and execution thereupon.

VII. And whereas an act made in the second year of his Ma-  
 jesty's reign, intituled, *An act to encourage draining and improving  
 of boggs and unprofitable low grounds; and for easing and dispatch-  
 ing the inland carriage, and conveyance of goods from one part to  
 another within this kingdom*, is found defective, and insufficient to  
 answer the ends and purposes thereof, by reason of the inconve-  
 nient method therein prescribed for continuing the commissioners,  
 appointing the undertakers, adjusting the damages, and deciding  
 the properties concerned therein, and affected thereby: be it  
 therefore enacted by the authority aforesaid, That all and every  
 the

the members of Parliament, and justices of the peace, for the time being, of the several counties in the said act mentioned to be respectively next adjacent to the respective works therein specified and provided for, shall henceforth be and are hereby respectively appointed commissioners for the same; and that they, or any five or more of them for the time being shall at all times hereafter have, exercise, and use the same and like powers and authorities in all things relating to the said respective works, for which they are respectively hereby appointed commissioners, as the commissioners appointed by the said act, or any seven or other *quorum* or number of them; should, might, or ought to have had, exercised, or used, by force and virtue of the said act; any thing therein contained to the contrary notwithstanding: and that every instrument of nomination hereafter to be perfected, whereby any undertaker shall be named and appointed for effecting any of the said works, shall be signed and sealed by five or more members of Parliament, or justices of the peace of each of the several next adjacent counties to such respective work or works, for which such nomination shall be given; and, upon due entering a memorial of such instrument in the office appointed by law for registering deeds, conveyances, and wills in this kingdom; shall then and thenceforth be a legal and sufficient authority to such undertaker, and to his heirs, and assigns, and nominees, to and for the uses, intents, and purposes, declared by the said act.

VIII. And be it further enacted by the authority aforesaid, That the prothonotaries of his Majesty's court of Chief place and Common pleas, the clerk of the pleas of his Majesty's court of Exchequer, and the clerk of the recognizances and statute staple of his Majesty's high court of Chancery, and their several and respective deputies for the time being, when any search is desired or required to be made by them, or any of them, about or concerning any judgment or judgments, statutes staple, statutes merchant, recognizance or recognizances, which have been entered at any time since the twenty ninth day of May in the year of our Lord one thousand six hundred and sixty, or which hereafter shall be entered in any of the courts aforesaid, when no judgment or judgments, statutes, or recognizances, can be by such prothonotaries, clerk of the pleas; or clerk of the recognizances and statutes, or their respective deputies, found entered in any of the said several and respective courts against the person or persons, concerning or about whom such search is made, or desired or required to be made, then and in such case such prothonotaries, clerk of the pleas; and clerk of the recognizances and statute staple; or their respective deputies for the time being, shall give a certificate under their several and respective hands to the person or persons requiring the same, that,

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having

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Chap. 6.  
cent to the works therein specified shall be commissioners, and any five may act.  
3 G. 2. 3.  
other commissioners appointed.  
25 G. 2. 10.  
29 G. 2. 10.  
Instrument of nomination of undertakers shall be signed and sealed by five, and registered.

Prothonotaries of B. R. C. B. clerk of pleas of Exchequer and of recognizances and statute staple, when search required of judgments, &c. entered since 29 Sept. 1660. or hereafter, shall give certificates if none found, or of such as they shall find.

A. D. having made diligent search in their respective offices, they do  
 1721: not find any judgment or judgments, statute or statutes staple or  
 Chap. 6. merchant, recognizance or recognizances, respectively entered  
 ~~~~~ against the person or persons, concerning or about whom such  
 search is made; or if any judgments, statutes, or recognizances  
 be entered against such person or persons; concerning or about  
 whom such search is made, or required to be made; then and in  
 such case they shall respectively certify, that they only find such  
 judgments, statutes, and recognizances entered against such per-  
 son or persons, as shall be mentioned in such certificate; and no  
 other; which said certificates the said prothonotaries; clerk of the  
 pleas, and clerk of the recognizances and statutes, or their respec-  
 tive deputies for the time being, are hereby required to sign and  
 give under their respective hands aforesaid; and if any of the  
 officers aforesaid, or their respective deputies, shall be guilty of  
 any fraud, collusion, or wilful neglect in making out any such  
 certificate, whereby any person shall be aggrieved or damnified,  
 such person so damnified, his heirs, executors, or administrators,  
 shall recover his damages against such officer or his deputy, with  
 full costs of suit.

If guilty of  
 fraud or wilful  
 neglect, dama-  
 ges to party  
 and full costs.

IX. And be it further enacted by the authority aforesaid,  
 That no sheriff, or other officer or officers, to whom any *habeas*  
*corpus* officer *corpus*, taken out for or in behalf of any defendant; shall be di-  
 rected, shall be obliged to remove the body of such defendant,  
 being in custody on any execution taken out on a judgment in any  
 civil action, by virtue of any such writ of *habeas corpus*, until such  
 defendant, that sues out the said writ, shall deposit such sum to de-  
 fray the expences of the said removal, as the court or judge, who  
 grants the said *habeas corpus*, shall think proper.

On *habeas*  
*corpus* officer  
 not obliged to  
 remove the  
 body on judg-  
 ment in civil  
 action, till such  
 sum as the  
 court thinks fit  
 deposited for  
 the expence.

X. And whereas bonds with warrants of attorney for confessing  
 judgment thereupon are a common security in this kingdom for  
 money lent: and forasmuch as it often happens, that persons,  
 against whom judgments in actions of debt are obtained on such  
 bonds and warrants or otherwise, do die, leaving their heirs under  
 the age of one and twenty years, and by reason of the minority of  
 such heirs, the persons recovering such judgments have been many  
 years kept out of the money so due to them, and in some cases  
 for a considerable time after the interest has exceeded the penalty  
 of a bond, on which such judgment was obtained, by reason that  
 in a *scire facias*, taken out in order to have execution on such  
 judgment, the paroll shall demur for nonage of the heir: for re-  
 medy thereof be it further enacted by the authority aforesaid,  
 That where the heir, who shall be summoned in a *scire facias*,  
 issued out in order to have execution on a judgment obtained in  
 an action of debt, shall pray that the parol may demur during his  
 nonage, the court, in which such cause shall depend, shall on  
 motion

Bonds with  
 warrants a  
 common secu-  
 rity.

Inconveni-  
 ence of parol  
 demurring on  
*scire facias*  
 against infant  
 heir,

If heir, sum-  
 moned in *scire*  
*facias* on judg-  
 ment in debt,  
 prays that pa-  
 rol may de-  
 mur, court on  
 motion shall  
 assign two



motion for that purpose assign two fit persons, or more, as guardians for such minor, of the nearest relations of such minor, if any such shall appear to be fit and proper persons for such guardianship; which guardian so appointed by the court, together with the guardian or guardians appointed by the last will of the ancestor of such heir, if such there be, shall within such reasonable time as the court shall appoint, not being less than six months, plead to the said *scire facias* in behalf of such minor, and proceedings shall be had thereupon in the said court, as if such plea had been pleaded by an heir of full age.

A. D. 1721.  
Chap. 6.  
guardians, of nearest relations, who with testamentary guardians (if any such) shall plead in reasonable time, not less than six months;

XI. And whereas an act passed in this kingdom in the second year of his present Majesty's reign, intituled, *An act to make the militia of this kingdom more useful*; which said act was continued by one other act made in the last session of this present Parliament: and whereas an act passed in this kingdom in the fourth year of his present Majesty's reign, intituled, *An act for the preserving all such ships and goods thereof, which shall happen to be forced on shore, or stranded upon the coasts of this kingdom*: and whereas an act passed in this kingdom in the sixth year of his present Majesty's reign, intituled, *An act for the more effectual preventing the running of goods, and for the further preventing of frauds committed in his Majesty's customs*; which said several acts are only temporary, and by experience are found to be good and profitable for this kingdom, and fit to be continued: be it further enacted by the authority aforesaid, That the said several last mentioned acts, and all clauses, provisions, and articles therein contained, shall continue and endure in force for two years, from the twenty fifth day of December one thousand seven hundred and twenty one, and from thence to the end of the then next session of Parliament, and no longer.

Militia:  
2 G. 1. 9.  
continued by  
6 G. 1. 3.

Wreck:  
4 G. 1. 4.

Customs:  
6 G. 1. 8.

Said acts continued 2 years, &c.

X. And be it enacted by the authority aforesaid, That where any lease or leases for life or lives have been or shall be made of any manors, lands, tenements, or hereditaments, reserving rent, it shall and may be lawful to and for all and every person or persons, to whom the reversion or remainder on such lease or leases for life or lives shall belong, to grant such estate in reversion or remainder for life of such person or persons; as he or they shall intend to make tenant or tenants to the *præcipe*, and thereupon a *præcipe* shall and may be brought against such person or persons, whereon a common recovery or recoveries shall and may be had and suffered of the manors, lands, tenements, and hereditaments so leased; and such recovery and recoveries shall bind and bar the tenant and tenants, vouches and vouchees; in such recovery and recoveries, and the persons in reversion and remainder, according to their respective interest and estates; in such manner and form, as if such lease or leases for life or lives had never been made, and not otherwise.

Persons in remainder or reversion on leases for lives may make tenant to *præcipe*, and suffer recovery, as if no such leases in being.  
14 G. 2. 20.  
Eng.  
21. G. 2. 11.

C H A P.

A. D.

1721.

## C H A P. VII.

*An Act for the further amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom, and for preventing the destruction of salmon.*

10 Wil. 3. 2.  
2 Anne 15.  
6 Anne 12.  
2 G. 1. 16.  
4 G. 1. 12.  
10 G. 1. 9.  
12 G. 1. 5.  
13 G. 2. 12.  
21 G. 2. 7.  
29 G. 2. 8.

The laws as  
to butter and  
tallow ineffec-  
tual,

Abuses in  
selling green  
hides, &c.

after 25 Mar.  
1722 in every  
city, &c. and  
at some market  
town in every  
barony, pub-  
lick weigh-  
houses to be  
appointed for  
butter and tal-  
low sold, or  
exported in  
casks, by chief  
magistrates, or  
at sessions, or  
seneschals in  
liberties of  
Dublin;

**W**HEREAS the several laws now in force for reforming abuses in making of butter and tallow casks, and preventing the false packing of butter and tallow, have as yet been found ineffectual: and whereas great frauds and abuses are frequently practised in selling of green hides and other commodities of this kingdom, whereby the said goods are brought into disrepute abroad, and yield not that price, nor are vended in such quantities, as otherwise they would, to the great discredit of the trade of this kingdom: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That in the city of Dublin and liberties thereto adjoining, and in every other city and town corporate, or other place of export, and at some market-town in every barony in this kingdom, from and after the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty two, one or more publick weigh-house or weigh-houses, as occasion shall require, shall be appointed for the weighing of all butter and tallow there sold, or thence to be exported in casks; which said weigh-house or weigh-houses shall be appointed by the chief magistrate or magistrates of such cities and towns corporate, and in other places of export or market towns to be appointed in the barony, where there are no magistrates, by the justices of the peace at the quarter-sessions of the respective county or counties, wherein such places of export or market town shall be, and in the liberties adjoining to the city of Dublin by seneschals thereof respectively.

II. And to the intent that there shall be no fraud or imposition committed or had in the weighing and selling such commodities, be it further enacted by the authority aforesaid, That in all such cities and towns corporate, or places of export, the chief magistrate or magistrates, where there are chief magistrates, by writing under his or their hands; and in other places, where there are no chief magistrates, the justices of peace at their quarter-sessions of the respective counties by order in writing, and in the liberties adjoining to the city of Dublin the respective seneschals by writing under his or their hands, shall have power, and they are hereby impowered and required, without fee, or reward, or other consideration for so doing, to appoint publick weigh-masters or officers

officers to weigh all butter and tallow, which shall be brought to any such places for sale or export; which said weigh-master or weigh-masters shall be appointed as aforesaid during pleasure only, and shall attend at such weigh-house or weigh-houses by himself, or his deputy, to be approved of by such chief magistrate or justices of the peace at the quarter-sessions, or seneschals respectively, in manner aforesaid, every day in the week (Sundays and holy days excepted) from nine in the morning till twelve, and from two to five in the afternoon; and shall provide necessary weights and scales, and branding irons, for such service; and shall, before he or they enter into his or their office of weigh-master, give bond to the chief magistrate or seneschals aforesaid, or enter into a recognizance before the justices of peace at their sessions respectively, for his true and faithful performance and execution of his said office; and such weigh-master or weigh-masters, and his and their deputy or deputies, before they respectively enter upon the said office, shall take the oath following: *viz.*

*I A. B. do swear, that I will diligently and faithfully execute the office of publick weigh-master, during the time I shall continue in the said office; I will take care truly, without fraud, to weigh all butter and tallow in casks, which shall be brought to me to be weighed, and in all other respects I will truly execute my said charge.*

*So help me God.*

Which oath the said chief magistrates, seneschals, and justices of the peace at their quarter-sessions respectively, are hereby impowered to administer, before such weigh-master or weigh-masters or deputies shall enter upon the execution of their said offices; which weigh-master, or weigh-masters; his and their deputy or deputies, are hereby directed and required to weigh all such butter and tallow in casks, as shall be brought to them to be weighed, without delay.

III. And whereas the trade in relation to butter and tallow is very much prejudiced by the evil practices of persons, that make it their business to buy up such commodities, before they are brought to any publick markets; where weights may be had; and likewise by the packing up of butter and tallow in casks, not being made and branded conformable to the laws already made: be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two no butter or tallow, which shall be packed up, or put into any cask or casks for sale, shall be bought or sold, before the same shall be weighed by some one of the said publick weigh-master or weigh-masters, or his or their deputy or deputies

V. G. B. V.

I

ties branded.

**A. D. 1721.** ties, to be approved as aforesaid, or shall be sold in any cask not marked and branded according to this act: and if any such goods or commodities, so packed up in casks, shall be sold or bought, and delivered by any person or persons, before they shall be brought to some publick weigh-house, and weighed in manner aforesaid, then and in such case the buyer and seller shall respectively forfeit the sum of ten shillings each for every cask of butter and tallow so bought, to be recovered in such manner and for such uses as the same herein after is directed to be recovered and applied.

Penalty on buyer and seller before weighed, 10 s. each, every cask.

weight to be marked at top, bottom, and side, and with office brand.

Account thereof to be entered, and names of buyers and sellers.

Allowance to weigh-master,

paid by buyer.

Empty casks shall be weighed.

Allowance for soakidge, 4lb. in cask containing 100 weight,

branded thereon, with his name, and of the place,

IV. And to the intent that all such goods and commodities may appear to be publickly and fairly weighed, be it further enacted by the authority aforesaid, That each weigh-master or his deputy shall mark the weight of each cask weighed by him at the top, bottom, and side of such cask, and shall fix an office-mark or brand thereon, and shall likewise enter in books, to be fairly kept by him for that purpose, the account of all such butter and tallow, which he shall so weigh, and the buyers and sellers names, and the weight, number, tare, and mark of each parcel so bought; for which such weigh-master or weigh-masters shall be paid and allowed for each cask of butter, that shall contain half a hundred weight, or under one hundred weight, one farthing; and for every cask, that shall contain one hundred weight or upwards, the sum of one halfpenny; and for every cask of tallow three pence, to be paid by the buyer of such butter and tallow respectively.

V. And to the intent that the weight of each empty cask for packing of butter may be truly known, be it further enacted by the authority aforesaid, That no person or persons from and after the said twenty fifth day of March one thousand seven hundred and twenty two shall buy or sell any empty cask or casks for packing of butter for sale, before such cask or casks shall be weighed by the publick weigh-master, or his deputy, of some one of the said cities, towns corporate, or places of export, or market-town, in the barony, or in the said liberties adjoining to the city of Dublin, to be appointed as aforesaid; which weigh-master or his deputy shall and is hereby impowered and required to weigh all such empty casks, and shall on weighing such empty cask or casks allow on account of soakidge two pounds more in the weight for each cask or firkin containing half a hundred weight of neat butter, and four pounds to each cask containing one hundred weight, and so in proportion according to the largeness of the cask; the weight of which empty cask, with the allowances for soakidge as aforesaid the said weigh-master, or his deputy, is hereby required and directed to brand on the head, side, and bottom of such empty cask or casks, together with the first letter of his christian name and his fir-name at length, with the name of the city, town corporate,

corporate, place of export, liberties, or market-town in the barony, A. D. to be appointed as aforesaid; where such empty cask or casks shall 1721. be weighed as aforesaid; which empty cask or casks, so branded as Chap. 7. aforesaid, shall be only sold in some publick market of this king- and sold on- ly in publick dom; and in case any person or persons shall buy or sell any cask or casks not branded as aforesaid, or in any other place than in market: some market town of this kingdom, contrary to the true intent and meaning of this act, the buyer and seller shall respectively, Penalty on buyer and seller, 2 s. 8 & 6 d. for every cask so sold or bought, forfeit the sum of two shillings and six pence; such forfeiture to be recovered and applied in such manner and to such uses as are herein after directed.

VI. Provided always, That no weigh-master shall weigh and brand as aforesaid any empty firkin or cask, which may contain Cask to contain 100 weight, shall not weigh less than 20 lb. half a hundred weight of neat butter, that shall weigh less than ten pounds weight; nor any cask, which may contain one hundred weight of neat butter, that shall weigh less than twenty pounds weight, and so in proportion for a larger cask; any thing herein contained to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid; That every weigh-master shall have and be paid for every empty firkin or cask, that can contain half a hundred and under one hundred weight of neat butter, which he shall weigh and brand as aforesaid, the sum of a farthing; and for every cask, that can contain one hundred weight and upwards of neat butter to be marked and branded as aforesaid, which he shall weigh and brand as aforesaid, the sum of one halfpenny; to be paid by each seller or other person or persons having the property in such cask or casks; Allowance to weigh-master, paid by seller of such casks. and in case any person or persons, who according to the directions of this act is liable to pay the several and respective rates and duties payable to the respective weigh-master or weigh-masters, for or on account of weighing such cask or casks of butter or tallow, or such empty butter cask as aforesaid, shall refuse to pay the same, such weigh-master or weigh-masters, who shall respectively weigh and brand such cask or casks as aforesaid, shall and may detain such cask or casks of butter and tallow, or such empty casks, until payment is made to him or them respectively, according till payment made, casks may be detained. to the true intent and meaning of this act.

VIII. And be it further enacted by the authority aforesaid, That if any weigh-master shall neglect or refuse to attend on the days, and during the respective times, hereby appointed by himself Weigh-master not attending, or his deputy as aforesaid, such weigh-master or weigh-masters shall for each offence of themselves or deputies respectively forfeit the sum of five pounds; to be recovered by him or them who will sue for the same by civil bill in the several and respective counties, where such weigh-house or weigh-houses are appointed, Penalty 5 l. to prosecutor by civil bill. before

A. D. before the judges of assize; or by petition in nature of a civil bill  
 1721. at the quarter-sessions to be held for the city of Dublin, or county  
 Chap. 7. of the city of Dublin; which the justices at the said sessions are  
 hereby empowered to hear and determine.

Altering or  
 counterfeiting  
 any brand,

Penalty 20l.  
 to prosecutor.

IX. And be it further enacted by the authority aforesaid, That  
 if any person or persons from and after the said twenty fifth day of  
 March one thousand seven hundred and twenty two shall alter or  
 counterfeit any brand or mark on any firkin or cask, such person  
 or persons shall forfeit the sum of twenty pounds to the person,  
 that shall prosecute or sue for the same; to be recovered by action  
 of debt, bill, plaint, or information, in any of his Majesty's courts  
 of record in Dublin; in which no essoin, protection, or wager of  
 law, or more than one imparlance shall be allowed.

Tallow casks  
 shall be hoop-  
 ed,

Penalty 10s.

or to be  
 whipt.

X. And for the better regulating of tallow casks, be it further  
 enacted by the authority aforesaid, That no person or persons from  
 and after the said twenty fifth day of March one thousand seven  
 hundred and twenty two shall pack up tallow for sale in any cask  
 or casks; unless such cask or casks are hooped with five hoops at  
 least on each end, and sizable to the different bulks of each cask;  
 and if any cooper or coopers, or other person or persons, shall pack  
 up tallow, or expose the same to sale, in any other cask than as  
 aforesaid, such person or persons so offending, upon conviction  
 before one or more of his Majesty's justices of the peace or chief  
 magistrate of the county or town, where such offence shall be  
 committed, by the oath of one or more, witness or witnesses, or  
 by confession of the offender, shall forfeit for every such cask the  
 sum of ten shillings to the use of the informer; the said penalty  
 to be levied by distress and sale of the offenders goods by war-  
 rant under the hand of the said justice or other chief magistrate,  
 returning the overplus after a deduction of the necessary charges of  
 such distress and sale; and in case such offender or offenders shall  
 not have goods or chattels sufficient to answer the said penalty,  
 such offender by a warrant, to be made under the hand and seal of  
 such justice of the peace or chief magistrate, shall be publicly  
 whipt through some market-town in the said county in or near  
 such town, where the offence was committed for three market days  
 successively, between the hour of eleven and twelve in the fore-  
 noon.

21 G. 2. 7.  
 altered.

29 G. 2. 8.  
 Lord mayors  
 of Dublin, or  
 seneschals to

XI. And whereas great abuses are frequently committed by the  
 wilful dirting of hides and calve-skins, and by gashing and cutting  
 them in flaying: for remedy whereof, be it enacted by the autho-  
 rity aforesaid, That in the city of Dublin the lord mayor for the  
 time being, and in the liberties thereto adjoining the respective  
 seneschals thereof, are hereby authorized and required within their  
 respective jurisdictions to provide some clean publick place for ex-  
 posing

posing all green hides or calve-skins to sale; and that no such A. D.  
hides or calve-skins shall be sold or exposed to sale, after such place 1721.  
shall be so appointed, but at such publick place or places; and Chap. 7.  
such hides shall not be sold by hand, but by weight; upon pain of  
forfeiting, as well by the buyer as seller, for every such offence, the  
sum of ten shillings; to be recovered and applied in such manner  
and to such uses as herein after are directed.

XII. And for preventing abuses in weighing such hides, be it  
further enacted by the authority aforesaid, That a sworn weigh-  
master be in like manner appointed and imployed by the said lord  
mayor and seneschals respectively to attend by himself or deputy  
in every such publick place, so to be appointed for weighing of each  
and every such green hide, who shall weigh the same, and keep  
due entries thereof, expressing the buyers and sellers names; and  
shall on weighing the same give an allowance to the buyers of  
four pounds weight for tare on every such hide, and such further  
allowance for dirt and sculls, or blood, appearing on such hides as to  
him shall seem reasonable; and in case any disputes shall happen  
to arise on such allowance, or in case the said weigh-master or de-  
puty shall refuse to give any allowance, where the same is really  
due, such disputes or differences shall be determined by the said  
lord mayor and seneschals, or their deputies respectively, where  
such disputes shall happen; which determination shall be final to  
each party, as well sellers as buyers; which said weigh-master so  
to be appointed shall provide scales and proper weights to weigh  
the same, and shall cause sheds at his own expence to be built in  
such places, and hooks to be placed therein, and clean floors to be  
made, to the intent that any damage done to such hides, or dirt  
thereon, may appear to publick view.

XIII. And be it further enacted by the authority aforesaid, That  
such weigh-master or deputy, before he or they enter upon such  
office, shall give sufficient security for the faithful discharge of his  
office, and take such oath *mutatis mutandis* as aforesaid, and shall  
be under the same pains, penalties, and forfeitures, for neglect of  
his duty or misbehaviour, as the said weigh-masters appointed for  
the weighing of butter and tallow are herein before made liable  
to, and which shall be recovered and applied in like manner.

XIV. And be it further enacted by the authority aforesaid, That  
such weigh-master or weigh-masters, keeping such publick place  
or places with such conveniences as aforesaid, shall be allowed  
and paid for each green hide, he shall so weigh, the sum of one far-  
thing, to be paid by the seller; and in case such seller shall refuse  
to pay the same, it shall be lawful for such weigh-master to de-  
tain such green hide so weighed, until payment thereof shall be  
made to him according to the true intent of this act.

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K

XV. And

provide a clean  
publick place  
for sale of  
green hides,  
or calve-  
skins.

To be sold  
by weight, not  
by hand.  
Penalty 10 s.  
by buyer and  
seller.

A sworn  
weigh-master  
to attend,  
and keep  
entries,  
allowing  
buyers 4 lb.  
weight for  
tare, and rea-  
sonable allow-  
ance for dirt,  
&c.

Disputes fi-  
nally deter-  
mined by lord  
mayor and  
seneschals.

Scales,  
weights, sheds  
with hooks, to  
be provided,  
and clean  
floors.

Weigh-  
master to give  
security, take  
oath, and un-  
der like penal-  
ties as afore-  
said,

to be paid  
one farthing  
each hide, by  
seller.

A. D. XV. And to the intent that no fraud or abuse shall be committed in making up of salted hides, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two every person and persons, salting any hides for sale, shall lay the same flesh to flesh, under penalty of forfeiting the sum of ten shillings for each hide, that shall be otherwise laid, by the person or persons, in whose custody the same shall be found to be otherwise laid; to be recovered and applied in manner as herein after is mentioned.

Persons salting hides shall lay them flesh to flesh, Penalty 10s. each.

XVI. And be it further enacted by the authority aforesaid, That in the city of Dublin and liberties thereto adjoining, and in other cities and towns corporate, a sworn weigh-master shall in like manner be appointed and employed, and with like oath *mutatis mutandis* as aforesaid, by the chief magistrate or seneschal respectively in such cities, towns corporate, and liberties respectively, for weighing all salted hides, who are hereby obliged and required to weigh the same; which weigh-master shall be under the same penalties and forfeitures for neglect of his duty or misbehaviour, as the said weigh-masters appointed for the weighing of butter and tallow are herein made liable to; and which shall be recovered and applied in like manner; and in case any person or persons shall sell within such cities and towns corporate, or liberties aforesaid, any hides salted and made up for sale, the same shall be weighed by such weigh-master, to be appointed for that purpose in such city and town corporate for weighing of such hides, at his weigh-house to the person buying such hides; which said weigh-master, if required by the buyer, at his expence shall have liberty to open the said hides, and shall and is hereby required on request of the buyer so to do; and in case any dirt or wet shall be found on such hide or hides, such weigh-master or weigh-masters, his or their deputy or deputies, shall make such reasonable allowance for such dirt or wet, as to him or them shall seem reasonable, which

if required by buyer, shall open hides, and allow for dirt or wet found.

Disputes finally settled by chief magistrate.

One farthing each hide weighed.

If bought or sold not weighed, penalty 10s. each hide.

the feller shall be obliged to allow; and in case any dispute shall happen to arise on such allowance, the same shall be determined by the chief magistrate in each city or town corporate, and in the aforesaid liberties by the respective seneschals or their deputies; which determination shall be final and conclusive to each party as well the buyer as feller; which weigh-master shall have and receive for weighing such hides one farthing for every hide, so to be weighed by him; till satisfaction whereof such weigh-master may detain such hide or hides as aforesaid; and in case any person or persons shall sell or buy any hides salted, which shall not be weighed by such weigh-master or his deputy as aforesaid, such person or persons so offending shall respectively forfeit the sum of ten



ten shillings for each hide; to be recovered and applied in manner A. D. and to the uses as are herein after directed.

1721.

XVII. And whereas the laws already made for the preventing Chap. 7. the gashing and cutting of hides and calve-skins are evaded, and in great measure rendered impracticable, in regard the penalties are laid only on such person or persons, who shall be proved to be guilty of cutting the hides, which proof is difficult to be had or obtained: be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two in case any hide or hides, calf-skin or calf-skins, shall appear to be impaired by gashing, slaughtering, or cutting the same, that not only the person or persons so offending, but likewise the person or persons, who shall expose to sale such hide or hides, calf-skin or calf-skins, shall forfeit the penalties hereafter mentioned: (that is to say) for each hide so impaired, slaughtered, or gashed, a sum not exceeding the sum of ten shillings; and for each calf-skin, a sum not exceeding the sum of two shillings and six pence; which forfeitures shall be recovered and applied in manner, as is herein after mentioned.

If hides or calf-skins gashed,

Penalty on offender and seller 10 s. each hide, 2 s. and 6 d. each skin.

XVIII. And for the better carrying on the trade of this kingdom, which suffers much by the unfair packing up of beef and pork, wherein many abuses and frauds are daily committed, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two in case any person or persons shall barrel up beef with intent to export or sell the same in any half barrel, which shall be in gage under fourteen gallons and a half, or above fifteen gallons; or in any whole barrel in gage under twenty nine gallons, or above thirty gallons; or in case any person or persons shall barrel up pork with intent to export or sell the same in any barrel, which shall contain less than two hundred weight neat, or in any half barrel, which shall contain less than one hundred weight neat, or in any barrel or barrels, which shall not be severally marked with the coopers, merchants, or other persons name, who shall make or save such pork or beef; such person or persons so offending shall forfeit for each barrel of pork or beef so packed up the sum of ten shillings; to be recovered in such manner and to be applied to such uses as herein after are directed.

If beef barreled for sale in a barrel in gage under 29 or above 30 gallons,

or pork in barrel less than 200 weight neat, or in barrels not marked with the name, Penalty 10 s. each.

XIX. And be it further enacted by the authority aforesaid, That if any cooper or coopers shall make any barrel or half barrel for packing of beef or pork other than and according to the aforesaid gage and contents, such cooper or coopers shall forfeit the sum of twenty shillings for every barrel or half barrel, which shall be made contrary to the true intent and meaning of this act; to be paid to the informer, and to be recovered in the same manner as the other penalties by this act are recoverable.

Penalty on coopers 20 s.

XX. And

A. D. 1721. XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever to seize and detain all and every person and persons, and their goods, which shall be made up, packed, or bought and sold, contrary to the intention of this act, for such reasonable time as he, she, or they may give notice to the constable or constables of the parish, where such person or persons, or his or their goods, shall be so seized; who are hereby required to carry such person or persons, and their goods, before the chief magistrate or magistrates of the city or town corporate, or before some one or more of his Majesty's justices of the peace, where such offence shall be committed, if in no city or town corporate; which said magistrates or justices of the peace are hereby authorized and strictly required, either upon the confession of the party offending, or due proof by one or more witness or witnesses upon oath (which they are hereby respectively empowered to administer) that the person, so brought before him or them, hath offended contrary to the meaning of this act, by warrant under his or their hands and seals to cause such penalties, as the offenders are hereby liable to, to be forthwith levied by distress and sale of the offender or offenders goods, rendering the overplus (if any be) to the owner or owners thereof, after the deduction of the reasonable charges for taking the said distress, and out of the said distress to pay the said respective penalties and forfeitures to the informer; and in case such offender or offenders shall not have goods and chattels sufficient to answer the said penalties, such offender or offenders by warrant, to be made under the hand and seal of such magistrate or justice of the peace for that purpose, shall be publickly whipt three market days successively through some market town in the said county in or near such town or place, where the offence was committed, between the hours of eleven and twelve in the forenoon.

Recital of  
2 G. I. 21.  
Sess. 1.  
13 Ed. 1. 47.  
Eng.  
13 R. 2. 19.  
Eng.  
17 R. 2. 9.  
Eng.  
11 Eliz. 4.  
Sess. 3.  
10 C. 1. 14.  
Sess. 3.  
2 G. I. 21.  
12 G. I. 7.  
11 G. 2. 14.  
31 G. 2. 13.  
Salmon destroyed in spawning time.

XXI. And whereas in and by an act passed in the second year of his present Majesty's reign, intituled, *An act to prevent the destruction of salmon fry, and better preserving the salmon fishing in this kingdom*; it is enacted, "That no person whatsoever shall or may make, have, or keep any lister or spear for killing of salmon, or make use of any light upon any fresh water river above the flowing of the tide, nor shall make use of any nets or other engines whatsoever fit for taking salmon fry at any mill-tail, under certain forfeitures and penalties in the said act mentioned;" notwithstanding which act the salmon fishing in this kingdom is greatly decayed, chiefly by killing the spawning fish with nets or other engines in the months of August, September, October, November, December, and January, being the time of spawning: for remedy whereof, be it enacted by the authority aforesaid, That from

from and after the twenty fifth day of March one thousand seven hundred and twenty two, no person or persons whatsoever shall or may between the first day of August and the first day of February in any year kill or take any salmon with nets or other engines; and if any person or persons do or shall offend herein, and be thereof lawfully convicted by the oath of one or more credible witness or witnesses before any justice or justices of the peace of the county, where such offence shall be committed (which oath such justice or justices of the peace are hereby impowered and required to administer) every such person and persons shall forfeit and lose such his nets and other engines, and also such boat or boats, with the tackle thereto belonging, as he or they shall make use of in or about the killing or taking any salmon contrary to this act; and shall likewise forfeit and pay the sum of twenty shillings for every such offence; to be levied by distress and sale of the offenders goods by warrant under the hand and seal of the said justice or justices of the peace; which said several forfeitures and penalties shall go and be disposed of, one moiety to the informer, and the other moiety to the poor of the parish where such offence shall be committed; and in case a sufficient distress cannot be had whereout to levy and raise the said sum of twenty shillings, that then the said justice or justices of the peace shall and may by warrant under hand and seal commit such person or persons to the house of correction or work-house for any time not exceeding three kalendar months, there to remain at hard labour, and to have due correction according to law: provided always that nothing herein contained shall extend, or be construed to extend, to prohibit the taking or killing of salmon in rivers, where such fish shall be known to be in season at the time of taking such fish.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or troubled for putting in execution any of the powers contained in this act, or for doing any matter or thing pursuant hereunto, such person or persons shall and may plead the general issue, not guilty, and give the special matter in evidence; and if the plaintiff or plaintiffs shall be nonsuited, or judgment shall be given against him or them upon demurrer, or a verdict shall pass for the defendant, such defendant shall have his, her, or their treble costs; to be recovered in such manner as where by law costs are given to defendants.

XXIII. Provided always, That this act shall continue and be in force to the end of the next sessions of Parliament, and no longer.

Salmon not to be killed or taken with nets or engines from 1st Aug. to 1st Feb.

Penalty, before a justice, forfeiture of nets, engines, and boats,

and 20 s. by distress, to informer and the poor: in default,

to house of correction 3 months.

Salmon may be taken in rivers where known to be in season.

Persons sued for executing this act may plead general issue, &c.

and recover treble costs.

Continuance to the end of next session.

Continued 10 G. 1. 9. to 2 Mar. 1723, but by a clause at the end thereof it is continued &c. so far as it relates to hides and calve-skins in Dublin and liberties, and as to beef and pork and salmon) during continuance of 10 G. 1. 9.

further continued by subsequent statutes 12 G. 1. 5. and 5 G. 2. 6. and 13 G. 2. 12. and by 21 G. 2. 7. (with alterations and amendments) to 29 Sept. 1769.

A. D.

1721.

## C H A P. VIII.

*An act for repealing part of an act passed in the tenth year of King William the third, intituled, An act for planting and preserving timber-trees and woods; and also for giving further encouragement to plant and preserve timber-trees and woods.*

Recital of  
10 Wil. 3. 12.  
Sec. 1.

said act in-  
effectual, and  
several penal-  
ties incurred  
thro' inadver-  
tency and ina-  
bility.

Sec. 2.

**W**HEREAS an act made in the tenth year of his late Majesty King William the third of glorious memory, intituled, *An act for planting and preserving timber-trees and woods*, has in a great measure proved ineffectual; and several persons, who through inadvertency or want of ability have not complied with the directions in the said act for planting and preserving timber-trees and woods, may have incurred great penalties: and whereas by the said act it is among other things enacted, “ That  
 “ all and every person and persons being a resident or residents  
 “ within this kingdom, or who having any estate of freehold and  
 “ inheritance therein kept or employed under his, her, or their  
 “ stock to the value of ten pounds by the year, and every tenant  
 “ for years having eleven years of his or her term unexpired,  
 “ ed, and and paying ten pounds by the year rent; or more,  
 “ should from and after the five and twentieth day of March  
 “ in the year of our lord one thousand seven hundred and three  
 “ plant or cause to be planted at seasonable times yearly, and  
 “ every year, during the term of thirty one years, ten plants of  
 “ four years growth or more, of oak, firr, elm, ash, wall-  
 “ nut, poplar, abeal, or elder, in some ditch or elsewhere on  
 “ the said lands, and the same so planted should from time to  
 “ time preserve from destruction; and all and every person or  
 “ society having iron-works should plant or cause to be plant-  
 “ ed in ground, sufficiently and well inclosed for that purpose,  
 “ five hundred trees of the aforesaid sorts, or some of them yearly  
 “ and every year, during such time and term as he or they should  
 “ keep or have the said iron-works :” and whereas by the said  
 act it is further enacted, “ That every person and persons hold-  
 “ ing in his, her, or their occupation five hundred or more acres  
 “ of land plantation measure, other than tenants in common,  
 “ should, over and above the aforesaid ten trees, within seven  
 “ years from the twentieth day of November one thousand six  
 “ hundred ninety eight inclose with a good and sufficient fence  
 “ of stone wall, ditch, hedge, pails, or rails, one plantation acre  
 “ thereof, and therein within the term of seven years aforesaid,  
 “ plant or cause to be planted one plant at the least of the height  
 “ of one foot above the ground when planted, and of the age  
 “ and times before mentioned, for every ten foot square con-  
 “ tained

“ tained in such acre, in such method as he, she, or they should  
“ think fit, and the said acre so planted should from time to  
“ time during the term of twenty years, to be accounted from  
“ the time of planting the same, preserve and keep well and suf-  
“ ficiently fenced and inclosed from cattle :” and whereas by the  
said act it is further enacted, “ That all and every person and  
“ persons, bodies politick or corporate, who should be seized of  
“ any lands of inheritance, or by dower, curtesie, or as credi-  
“ tors, whether mortgagees or others, to whom an actual posses-  
“ sion should be given by virtue of judgment or decree of any  
“ of the Four-courts, should be and was by virtue of the said  
“ act obliged and liable to the planting of his, her, or their pro-  
“ portion of two hundred and sixty thousand six hundred trees,  
“ of oak, elm, or firr, of the age and size aforementioned yearly  
“ and every year during the term of one and thirty years, to  
“ be accounted from the twenty fifth of March one thousand  
“ seven hundred and three, in such manner and proportion as  
“ therein is expressed :” and whereas by the said act it is fur-  
ther enacted, “ That no possessor, tenant, or occupier of any  
“ land inclosed and planted by virtue of the said act, should for  
“ the term of twenty years suffer sheep or cattle of any sort to  
“ graze or trespass the land so inclosed, under the penalty of  
“ twenty shillings for every such grazing or trespass as is afore-  
“ said, to be levied as other penalties are therein directed, the  
“ one moiety thereof to the use of the informer, and the other  
“ moiety to the use of the poor of the parish, wherein the said  
“ offence should be committed :” and whereas by the said act  
it is also enacted, “ That the justices of the peace of that county  
“ at their sessions of the peace might and should from time to  
“ time after the twentieth day of November one thousand six  
“ hundred ninety eight have full power and authority to  
“ execute all and every part of the said act; and the said justi-  
“ ces as aforesaid should and might, and were thereby required,  
“ after the twenty fifth of March one thousand seven hundred  
“ and three at their respective quarter-sessions to hear and fi-  
“ nally determine all controversies that should or might arise be-  
“ tween party and party by reason of the said act, should be  
“ heard and finally determined by the said justices : and to the  
“ intent that every person and persons might be punished, who  
“ should neglect or refuse to plant such number of trees, and  
“ the same to preserve pursuant to the intent and meaning of  
“ the said act, which he, she, or they were obliged to :” and  
whereas by the said act it is also enacted, “ That at every Mi-  
“ chaelmas sessions, to be held as aforesaid after the twenty fifth  
“ day of March one thousand seven hundred and three, all and  
“ every the high constables and petty constables of each county  
within

A. D.

1721.

Chap. 8.

Sec. 3.

Sec. 12.

Sec. 17.

Sec. 18.

A. D. 1721. Chap. 8. “ within this kingdom, pursuant to a precept to be directed to the several high constables by the clerks of the peace of the respective counties within this kingdom, which precept the said clerks of the peace were thereby required to issue at least ten days before such sessions, under the penalty of forty shillings for every default, should give in a return in writing upon oath under the penalty of forty shillings for each and every failure therein respectively of the names with the places of abode of every person within their respective baronies or constablewicks; who were thereby obliged to plant the ten trees, the five hundred trees, and the acre aforementioned; together with the names of the lands, for or by reason whereof every person was obliged to plant the proportion annexed to his or her name; and likewise the proportion of the two hundred and sixty thousand six hundred trees to be yearly planted by each respective inhabitant obliged to plant the same; together with his and their name and place of abode; and that each petty constable within his respective parish had given, or caused to be given, notice to every such person as is aforesaid, of his, her, or their being so returned to the said sessions, and that whilst the court should be sitting, the clerk of the peace should openly read all the said returns, so as that every person might know what number of trees he, she, or they were obliged to plant that year, and likewise that if any person or persons should find him, her, or themselves aggrieved, by being returned for lands not enjoyed nor any ways belonging to him, her, or them, such relief therein might be ordered by the said justices as to them should seem just and reasonable:” and whereas by the said act it is further enacted, “ That at every Easter sessions the returns, made and allowed the preceding Michaelmas sessions, should again be openly read and called over in court, and that all and every person, who upon the second call of his or her name should not by his or her oath, or by certificate of some one of the justices of its having appeared to him by the oath of that of in the parish of had that year planted, or caused to be planted trees pursuant to the said act (which said certificate every justice was required to give *gratis*) upon the oath of the party or of one credible witness make appear that he, she, or they had planted in that year the number of trees to which he, she, or they were obliged by virtue of the said act, should be deemed and adjudged not to have have planted the same, and should for each ten trees, which such person or persons had so neglected to plant, forfeit the sum of ten shillings; for each five hundred trees as is aforesaid the sum of five pounds; and for each

“ acre not inclosed and planted the sum of five pounds; the said A. D.  
 “ respective fines to be imposed each Easter sessions yearly and 1721.  
 “ every year, until such person or persons having so made de- Chap. 8.  
 “ fault should make proof of his or her having planted his or  
 “ her proportion of trees, and preserved the same pursuant to the  
 “ true intent and meaning of the said act:” be it enacted by the  
 King’s most excellent Majesty, by and with the advice and con-  
 sent of the lords spiritual and temporal and commons in this pre-  
 sent Parliament assembled, and by the authority of the same, That  
 the said several clauses in the said act herein before recited be  
 henceforth repealed, and made null and void; and that all his  
 Majesty’s subjects be and are hereby discharged, released, and for-  
 given all the fines, forfeitures, penalties, other than such as have  
 been already paid, and all punishments that may be inflicted; in-  
 curred, or suffered, for or by reason of the said clauses in the  
 said act, or any of them, or of any article, matter, or thing in  
 the said clauses, or any of them contained.

Repeal of all  
the said clau-  
ses,  
and discharge  
of all penalties  
therein, save  
those paid,

II. And for the better encouragement of plantations; be it  
 enacted by the authority aforesaid, That where any tenant or  
 tenants for life or lives, or years, of any lands in this king-  
 dom of Ireland shall during his, her, or their term, plant  
 in or upon the same any trees of oak, ash, beech, firr, wallnut,  
 alder, elm, poplar, abeal, or birch, and shall preserve the same,  
 such tenant or tenants, and his, her, or their executors, admi-  
 nistrators, or assigns respectively, shall at the expiration of such  
 term or estate be intituled to, and shall have liberty, and is and  
 are hereby authorized and impowered to fell and carry away for  
 his and their use and benefit one third part of the several kinds  
 of such trees, so by him, her, or them planted, and which shall  
 at that time be standing and preserved on the lands so held in  
 lease as aforesaid.

to encour-  
age plantati-  
ons.  
Tenants for  
life or years,  
their execu-  
tors, &c. may  
at end of their  
term, fell and  
take away one  
third of trees  
of oak, &c.  
planted by  
them.  
1 G. 1. 18.  
by 5 G. 2. 9.  
a moiety.  
9 G. 2. 7.

III. And whereas several sapplins have been destroyed by mak-  
 ing bows and back-bands for carrs: be it enacted by the autho-  
 rity aforesaid, That from and after the first day of January one  
 thousand seven hundred and twenty one no person or persons  
 shall presume to make use of any part of any sapplin or tree  
 as or for a bow for a carr, or any sapplin, gad, or any piece of  
 stick or wood for or as a back-band for a carr, or scollops of oak  
 or ash for thatching of houses, or shall presume to make use of  
 any oak-sapplin or sapplins for walking sticks, handles of whips,  
 or switches, under the penalty of forfeiting five shillings, to be re-  
 covered from and paid by such offender, being convicted of any  
 of the said offences; by any of his Majesty’s justices of the peace,  
 or the chief magistrate or magistrates of any city or town cor-  
 porate, upon the oath of one or more credible witness or witnesses;

No sapplin,  
&c. shall be  
used for a bow  
or backband  
for a carr,  
walking sticks,  
&c. nor scol-  
lops of oak or  
ash for thatch-  
ing.  
Penalty 5 s

A. D. 1721. one moiety thereof to the informer, the other moiety to the use of the poor of the parish, where such conviction shall be; and in default of payment of the said forfeiture; such offender shall be publickly whipt in some market-town by order of such justice of the peace, or chief magistrate or magistrates; by warrant for that purpose to be made under his or their hands and seals respectively; and all magistrates of all cities, towns corporate; and market-towns, and all justices of the peace in their respective counties, are hereby required to put this and all clauses in any former law prohibiting the use of withs and gads in execution.

*This and all laws against use of withs and gads to be put in execution.*  
 10 Wil. 3. 12.  
 4 Anne 9.  
 9 Anne 5.  
 2 G. 1. 16.  
 21 G. 2. 13.

## C H A P. IX.

*An act for amending an act, intituled, An act for the better and more effectual apprehending and transporting felons and others; and for continuing and amending several laws made in this kingdom for suppressing tories, robbers, and rapparees; and also to prevent the listing of his Majesty's subjects to serve as soldiers in foreign service without his Majesty's licence.*

7 Wil. 3. 21.  
 9 Wil. 3. 9.  
 2 Anne 12.  
 4 G. 1. 9.  
 6 G. 1. 12.  
 12 G. 1. 8.  
 3 G. 2. 4.  
 9 G. 2. 6.  
 29 G. 2. 8.

**W**HEREAS the laws in being have not proved effectual for the suppressing of robberies, burglaries, and other felonies; and for the transporting of felons and vagabonds, and some of the said laws want to be amended: and whereas some felons and vagabonds, who have been ordered to be transported, have already, and others may hereafter, come on shoar, and return to this kingdom of Ireland before or after they have been actually transported to America, or may break goal, or escape before such transportation: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That if any felon or felons, vagabond or vagabonds, who have been or shall be ordered to be transported pursuant to any of the statutes now in force in this kingdom, shall afterwards break goal, or escape, or be at large within any part of this kingdom of Ireland, without some lawful cause before the expiration of the term, for which such felon or felons, vagabond or vagabonds, was, were, or shall be ordered to be transported, all and every such person and persons, being thereof lawfully convicted, shall suffer death as in cases of felony without benefit of clergy, or of the statute made in the ninth year of the reign of her late Majesty Queen Anne, intituled, *An act for taking away the benefit of clergy in certain cases, and for taking away the book in all cases, and for repealing part of the statute for transporting felons.*

*If felons, &c. ordered to be transported break gaol, escape, or be at large, without lawful cause, before expiration of the Time, felony without benefit of clergy, or of 9 Anne 6. 12 G. 1. 8. 21 G. 2. 12.*

II. And



II. And that such conviction may be with as little trouble and expence as possible, be it further enacted by the authority aforesaid, that such offender or offenders shall and may be tryed for the said offence in any county of this kingdom; and that the clerk of the crown and clerk of the peace, where such orders of transportation shall be made, and their successors for the time being, shall at the request of the prosecutor, or any other in his Majesty's behalf, certify a brief abstract containing the effect and tenor of every indictment and conviction of such man or woman, and of the order for his or her transportation, to his Majesty's justices of the King's bench, or the justices of assize, oyer and terminer, or goal delivery, or the justices of the peace at their quarter-sessions to be held for the county of Dublin, and county of the city of Dublin, where such man or woman shall be indicted or presented, not taking for the same above the sum of two shillings and six pence; which certificate, being produced in court, shall be a sufficient proof, that such person or persons have been before convicted as a felon, or presented as a vagabond respectively; and ordered to be transported.

A. D.

1721.

Chap. 9.

may be tried in any county, Certificate of conviction and order for transportation, shall be made by clerk of crown or peace at request of prosecutor, &c.

which sufficient proof.

III. And whereas frequent robberies have been lately committed in the streets of the city of Dublin, and other counties of cities and counties of towns, and other counties of this kingdom, and doubts have arisen whether the persons concerned in apprehending, prosecuting, and convicting the offenders, were intitled to any reward: be it further enacted by the authority aforesaid, That where any murder or robbery shall be committed in the said streets of the city of Dublin, or in other counties of cities or counties of towns, or the liberties thereunto belonging or adjoining, or in the highway of any county of this kingdom; a reward not exceeding the sum of twenty pounds shall be given to such person or persons, as shall apprehend or take such murderer or robber, so as he or she shall be convicted thereof; the same to be raised by presentment of the grand juries of such counties of cities and counties of towns, or county at large, where such facts shall be hereafter committed; and the money so to be raised to be apportioned and levied in such manner as other publick money is raised, apportioned, and levied within such county of a city and county of a town, or county at large, and to be distributed between the persons claiming such reward in such shares and proportions as to the judges or justices, before whom such murderer or murderers, robber or robbers, shall be convicted for such murder or robbery, shall seem reasonable, and be certified under their hands.

20 l. reward for taking and convicting murderer or robber in streets or highways,

by presentment,

levied as publick money,

distributed, as by certificate of the judge.

IV. And whereas the practice of taking money to help persons to their stolen goods, and sharing it with the felons, is still continued

A. D. continued in defiance of the laws, and to the encouragement of felons: be it further enacted by the authority aforesaid, That 1721.  
 Chap. 9. whosoever shall prosecute to conviction any person or persons for the said offence of taking money or other reward directly or indirectly to help any person or persons to their stolen goods (such offender not having apprehended the felon; who stole the same; and brought him or her to trial for the same; and given evidence against him or her as required by law) shall be intituled to a reward of five pounds for every such offender so convicted as aforesaid; which sum shall be raised and levied in like manner as the reward, which any person or persons may be intituled to for the apprehending any murderet or robber in any county of a city, or any county of a town.

51. for conviction of persons taking reward for helping others to stolen goods without apprehending and giving evidence against the felon.

6 G. I. 12.

201. to the representatives of persons killed in apprehending,  
 8 Anne 8.

V. And be it further enacted by the authority aforesaid, That in case any person or persons shall happen to be killed in the pursuit or apprehending any of the offenders aforesaid; that then the executors or administrators of such person or persons so killed, or the person or persons, to whom the right of administration of the personal estate of such person or persons so killed shall belong, shall be intituled to the sum of twenty pounds, to be raised by presentment of the grand juries of such counties of cities and counties of towns, or county at large, where the said fact was done and committed.

Harbouring felons who after order for transportation break gaol, &c. felony without benefit of clergy, or of 9 Anne 6.

VI. And that none of the offenders aforesaid may be concealed or harboured by any person whatsoever, be it further enacted by the authority aforesaid, That whosoever shall after the first day of February in the year of our Lord one thousand seven hundred and twenty one receive, harbour, or conceal any robbers or felons ordered, or to be ordered to be transported, and who after such order for transportation shall have broke goal or escaped, or been at large in this kingdom, or shall break goal, escape, or be at large in this kingdom, without some lawful cause before the expiration of the term, for which such robbers or felons have been or shall be ordered to be transported, knowing them to be such, and shall be thereof legally convicted, such offender shall suffer and incur the pain of death as a felon convicted without benefit of clergy, or of the said statute of the ninth year of the reign of the late Queen Anne.

Offenders in England apprehended in Ireland.

VII. And whereas of late several persons, who have committed murders, robberies, and burglaries in divers parts of that part of Great-Britain called England, have come into this kingdom to shelter themselves from justice; and, though they have been apprehended here, could not be sent over into England, by reason several masters of ships trading to England have refused to receive such offenders on board their respective ships, or to give security

curity for the safe keeping and delivery of such offenders to the A. D. high sheriff, under sheriff, justice of peace, chief magistrate, 1721. or constable of the county, port, harbour, or place in England, Chap. 9. whither they were bound, though such high sheriff, under sheriff, justice of the peace, chief magistrate, or constable have had proper warrants and authority from the chief justice, or other justice of his Majesty's court of King's bench in England, to apprehend and receive such offenders; by means whereof several great and notorious offenders have escaped punishment: be it further enacted by the authority aforesaid, That where any person now is or hereafter shall be apprehended in any part of this kingdom, against whom any warrant in writing under the hand and seal of the chief justice, or other justice of his Majesty's said court of King's bench, in that part of Great-Britain called England, for the apprehending such person for any robbery, or any other capital crime committed in England, shall have issued, it shall and may be lawful to and for the chief governor or governors of this kingdom for the time being by writing under his or their respective hands, to stop and detain any ship or vessel belonging to any merchant or trader residing or inhabiting in this kingdom, lying in the port or harbour of Dublin, and bound for any port or place in England, until the master or person taking charge of such ship or vessel shall take such offender or offenders on board his said ship or vessel, and shall enter into a bond to his Majesty before the collector of the port of Dublin of the penalty of two hundred pounds, conditioned for the safe custody, conveying, and delivery of such offender and offenders (the danger of the seas and of enemies excepted) into the hands of the high sheriff, under sheriff, justice of the peace, chief magistrate, or constable of the county, port, harbour, or place, whither such ship or vessel shall be bound or first arrive in England.

Chief governors may stop any Irish vessel, in Dublin harbour and bound to England, till the master takes on board offenders against whom warrant of B. R. in England,

and give bond 200 l. penalty safely to deliver, &c. to a magistrate where he first arrives,

VIII. Provided always, That no ship or vessel shall be stopped or detained in the said port or harbour of Dublin, nor the master or person taking charge thereof hindred from proceeding on his voyage, by virtue of this act, unless a sum not less than forty shillings, nor exceeding five pounds, be tendered and paid to such master, as a reward for carrying and transporting each such offender into England, and unless a warrant under the hand and seal of the chief justice, or other justice of his Majesty's court of King's bench in England, for the apprehending such offender or offenders be delivered into the hands of such master or person taking charge of such ship or vessel together with such offender or offenders.

not less than 40 s. nor above 5 l. shall be paid for carrying each offender, and said warrant of B. R. delivered to him,

IX. Provided also, that no master of any such ship or vessel shall be obliged or compelled to take on board his ship or vessel

not obliged to take more than two.

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N

more

A. D. more than two of such offenders at any one time ; any thing herein  
1721. contained to the contrary thereof in any wise notwithstanding.

Chap. 9. X. And be it further enacted by the authority aforesaid, That

*Bond to be  
delivered up  
on certificate  
and affidavit  
of delivering  
such offender  
with said war-  
rant to magi-  
strate in Eng-  
land.*

the collector of the said port of Dublin for the time being shall and he is hereby required to deliver up such bond and bonds to the master of such ship or vessel, or person taking charge thereof, his executors or administrators, or to any other person, who shall produce and deliver unto the collector of the said port of Dublin for the time being a writing under the hand of the high sheriff, under sheriff, justice of peace, chief magistrate, or constable, to whom such offender or offenders shall be delivered in England, with an affidavit at the foot of such writing of one or more credible witnesses, taken before one or more justices of the peace of the county, city, town, or place, where such offender or offenders shall be delivered in England, or before the chief justice or other justice of his Majesty's court of chief pleas in Ireland, certifying, that the offender and offenders mentioned in the condition of such bond or bonds, together with the warrant of the chief justice or other justice of the said court of King's bench in England, for the apprehending of such offender and offenders, were duly delivered into the hands of such high sheriff, under sheriff, justice of the peace, chief magistrate, or constable, or one of them ; any thing herein before contained to the contrary thereof in any wise notwithstanding.

*9 G. 2. 30.  
Eng.*

*Subjects in-  
listing or pre-  
vailing on  
others to enlist  
in foreign ser-  
vice, felony  
without bene-  
fit of clergy,*

*or of 9 Anne 6.*

*11 G. 2. 7.  
25 G. 2. 12.*

XI. And whereas great numbers of his Majesty's subjects of this kingdom have of late years enlisted themselves as soldiers in the service of foreign princes and states contrary to law, be it further enacted by the authority aforesaid, That if any subject of his Majesty, his heirs or successors, from and after the first day of March in this present year of our Lord one thousand seven hundred and twenty one shall within this kingdom list or enter himself, or if any person or persons whatsoever shall enlist, or shall procure or prevail on any person, being a subject of his Majesty, his heirs and successors, to list and enter himself, or to go beyond the seas, or embark with intent and in order to be listed to serve any foreign prince, state, or potentate, or person whatsoever, as a soldier, without leave or licence of his Majesty, his heirs or successors, under the sign manual of his Majesty, his heirs or successors, or of the chief governor or governors of this kingdom for the time being, under his or their hands first had or obtained for listing any of the subjects of his Majesty, his heirs or successors, to serve any such foreign prince, state, or potentate, or person, as soldiers ; every such person or persons so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged to be guilty of felony without benefit of clergy, or of

of the said statute made in the ninth year of her late Majesty Queen Anne, and shall suffer and forfeit as in cases of felony. A. D. 1721.

XII. And be it enacted by the authority aforesaid, That all and every person or persons, who shall harbour, relieve, conceal, or entertain any such offender or offenders, knowing him or them to be guilty of such offence, shall be taken, deemed, and adjudged to be guilty of felony without benefit of clergy, or of the said statute made in the ninth year of her said late Majesty, and shall suffer and forfeit as in cases of felony.

And also harbouring, &c. such offenders knowingly.

Continuance 5 years, &c. and by several acts with alterations, and by 29 G. 2. 8. continued 21 years, &c.

XIII. Provided always, That this act shall be and continue in force for the space of five years, and to the end of the next sessions of Parliament after the said five years, and no longer.

# C H A P. X.

*An Act for continuing and amending an act, intituled, An act for the better regulating the parish-watches, and amending the the high ways in this kingdom; and for preventing the misapplication of publick money.*

WHEREAS the keeping a strong and regular watch in the night-time in the several cities, burroughs, towns corporate, parishes, and other places in the several counties of this kingdom, is of great importance for the preservation of the persons and properties of the inhabitants within the same; and will be a most likely means to prevent murders, burglaries, robberies, felonies, and other outrageous misdemeanors, which are committed in the night-time within the said cities, burroughs, towns corporate, parishes, and other places more frequently than heretofore: and whereas an act made for prevention of such disorders, and passed in this Parliament in the sixth year of his Majesty's reign, intituled, *An act for the better regulating of parish-watches, and amending the high ways in this kingdom; and for preventing the misapplication of publick money*, hath been found to be of good advantage to this kingdom, but the same is near expiring: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said act, and all and every clause, article, and provisoe therein contained, so far as the same relates to any county, counties of cities, burroughs, towns corporate, parishes, and other places in the several counties in this kingdom (other than what relates to and may concern the parish-watches of the city of

6 G. 1. 10. (save as to parish watches of Dublin) continued two years, &c. and made perpetual 10 G. 1. 3.

A. D. of Dublin, and liberties of the said city) shall continue and be in 1721. full force for the space of two years from the twenty fifth day of Chap. 10. March, which will be in the year of our Lord one thousand seven hundred and twenty two, and from thence to the end of the then next session of Parliament.

II. And whereas by virtue of the said former law the several house-keepers of the city of Dublin, being persons able and fit to watch, or to find an able and fit person to watch for him, her, or them, or in his, her, or their stead, ought by reason of their habitation, occupation, or dwelling in the said city, to keep watch within the same for the preservation of his Majesty's peace; nevertheless the watches have been much neglected by reason of many persons refusing to watch, when thereunto required, and instead thereof the watches have been kept within the several parishes of the said city by persons hired by the constables, or their deputies, and under their management only, and under colour thereof the said constables have collected from some of the inhabitants within the said several parishes greater sums of money, than by law were due, and yet nevertheless the said constables do not keep such sufficient watches as are necessary: for remedy of the aforesaid inconveniences, and to the end a regular and strong watch may be kept in the night-time for the future within the said city of Dublin, and liberties thereof, be it further enacted by the authority aforesaid, That on the third Sunday in February in every year notice shall be given in each parish-church of the said city and liberties, that on some certain day in the following week a vestry or meeting of the parishioners will be held in order to settle the watch of that parish; at which day of meeting the parishioners, or the major part of them, so assembled, shall nominate fifteen of the parishioners of good substance, who, or any seven of them, shall within fourteen days after their being so chosen by writing under their hands ascertain the number of watch-houses, constables, and watch-men, fit and proper to be kept in such parish respectively, from the twenty fifth day of March then next ensuing for and until the twenty fifth day of March in the year following, and at what places and stands it is fit for the said watch-houses, constables, and watch-men, to be placed, and how often it is fit for them to go the rounds, how the watch-men shall be armed, and what wages or salaries are reasonable to be allowed each watch-man for their attendance, and such further regulations and rules, as to them shall seem reasonable; and shall also nominate and appoint for watch-men such persons, who shall in their judgment not only be honest men and protestants, but able of body, and fit to be entrusted to do the said service; which persons so nominated shall be the watch-men of the said parish; and in case any of the said watch-men so nominated and appointed shall dye or be removed, or quit such service, the said fifteen persons, or any seven of them, so nominated by the parishioners as aforesaid, shall name another watch-man or other watch-men in the stead or place of him or them so dying, or being removed, or quitting such service; and in case any of the said fifteen persons, so nominated by the parishioners as aforesaid, shall dye, or remove out of the said parish, the parishioners shall at a vestry or meeting of the parishioners, to be appointed for that purpose, name one or more of the parishioners of good substance in the room or place of such person or persons so dying or leaving the said parish, to the intent that the number of fifteen of the said parishioners shall be always ready to make such elections and regulations in manner as herein before is appointed; which rules and regulations so to be made as aforesaid, shall be the rules, orders, and regulations to be observed by the several constables and watch-men, and shall be printed together with the names of such watch-men, and publicly posted up in each watch-house, and on the door thereof.

III And

III. And be it further enacted by the authority aforesaid, That the said watchmen in the night-time shall be under the controul and inspection of the alderman of the ward, deputy-alderman, and constables of the respective parishes; which said constables are hereby required to set and place their watch at ten of the clock in the night exactly, and to continue their watch until six in the morning from Michaelmas day until Lady-day, and from Lady-day until Michaelmas day, in every year at eleven a clock, and to continue their watch till five in the morning.

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IV. And to the intent that good and sufficient house-keepers may from time to time be appointed constables, and such persons when chosen may be obliged to act and do their duty, be it further enacted by the authority aforesaid, That the church-wardens and parishioners of each parish shall and are hereby required to assemble every Tuesday in Easter week in the church or vestry-room of such parish, and then and there the said church-wardens and parishioners, or the major part of them, so assembled, shall chuse a sufficient number of fit and able persons, who shall be house-keepers in the parishes where chosen, to be constables for one year; who when chosen shall be presented to the lord mayor of the city of Dublin for his approbation, who is hereby required to swear such person or persons, named as aforesaid, into their office as constables at the usual time of swearing, in case he shall see no sufficient reason to disapprove them; and in case any person or persons, who shall be named or chosen in manner as aforesaid to be constables, shall be disapproved of, then upon notice given to the church-wardens the said church-wardens shall forthwith upon such notice assemble the parishioners, and return another person for the said office in the stead or place of him so refusing to the said lord mayor, and so *toties quoties* till a fit person shall be approved of; and in case any of the said constables so approved of shall before he or they shall be sworn into such office, or after they have been sworn and taken such office upon them, dye or quit such parish, or be otherwise rendered incapable of serving, then and in such cases the said church-wardens shall forthwith assemble the parishioners of the said parish, who, or the major part of them, so assembled, shall return another person for the said office, in the stead or place of him or them so dying, or that shall quit such parish, or be otherwise rendered incapable to serve, to the said lord mayor for the time being, and so *toties quoties* till a fit person be approved of; who after such approbation shall be sworn into the said office by the lord mayor for the time being, as is usual: and in case any person so approved of shall refuse to act in the said office by himself, or find a sufficient deputy for one year ensuing his election, such person or persons so refusing shall forfeit the sum of five pounds, to be levied by warrant of distress under the hand and seal of the lord mayor, or of any justice of the peace of the said city, and sale of the goods of the persons so refusing; which forfeiture when levied shall go to and be applied for the finding a deputy, to be chosen by the major part of such parishioners assembled for that purpose, and to be approved of by the lord mayor for the time being.

V. Provided always, That no person or persons keeping publick inns, ale-houses, or houses of entertainment, or papists, shall be qualified to act in their persons as constables: but in case any such shall be chosen in their turn to serve as constables as aforesaid, such person or persons so chosen shall find some fit person or persons to serve in his or their room, to be approved of by the lord mayor, or pay as a fine a sum not exceeding the sum of five pounds respectively, to be ascertained by the lord mayor for the time being, to enable the parishioners, or the major part of them assembled for that purpose, to find a fit person in the stead of each of them, who shall be so chosen to serve as constables, such sums to be levied and recovered by distress and sale of the offenders goods in manner as aforesaid: provided also, that no person or persons shall be obliged to

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serve, or fine, who are of the degree of an esquire, or above, or such who are aldermen, deputy-aldermen, or have served as one of the sheriffs of the said city, or paid a fine for not serving in the said office of sheriff.

VI. And to the intent that a sufficient support and maintenance may be had for the watch men, and likewise that watch-coats, staves, lanterns, and necessary fire and candle for the aforesaid purpose of watching, may be provided for every and each of them; be it further enacted by the authority aforesaid, That all and every the houses within the said city of Dublin, and liberties thereof, shall pay and are hereby charged with the sum of six pence for every pound of the yearly value of every such house or houses, as the valuations are returned for the collection of ministers money; and, where there is no such valuation to the minister, the said houses shall pay six pence in the pound according to the rent payable by the tenants in possession; which said six pence per pound shall from and after the said twenty fifth day of March one thousand seven hundred and twenty two be a charge on the inhabitants of every such house or houses, and shall be levied, raised, and accounted for by the church-wardens of the respective parishes and places *extra-parochial* by the church-wardens of the adjoining parish, at such time, in such manner, with such powers, and under such penalties, as the ministers money in the said city is levied, by a statute made in this kingdom in the seventeenth and eighteenth years of the reign of King Charles the second, intituled, *An act for provision of ministers in cities, corporate towns, and making the church of Saint Andrews in the suburbs of the city of Dublin prescriptive for ever*: and shall be by them respectively paid and applied to the several uses the same is payable by virtue of this act; which charge of six pence in the pound on the several houses in the said city and liberties aforesaid shall and is hereby declared to be a discharge to the several house-keepers of the said city from watching in person, or sending an able person to watch in his, her, or their stead; any law, custom, or usage, to the contrary notwithstanding.

VII. Provided always, That in case any of the said houses within the said city of Dublin, and liberties thereof, which have heretofore been valued pursuant to the aforesaid statute made in the seventeenth and eighteenth years of the reign of King Charles the second, shall really and *bona fide*, without fine or other consideration, save the rent reserved, be set or let at a less rent, than such house or houses are respectively valued at by the valuation returned for the collection of ministers money, then and in such case such house or houses shall be only chargeable with the payment of six pence in the pound according to the rent payable by the tenants in possession, and not according to the valuation so returned as aforesaid; any thing herein contained to the contrary notwithstanding.

VIII. And to the intent that the rent payable by the tenant or tenants in possession in such house or houses may be truly known; be it further enacted by the authority aforesaid, That such tenant in possession claiming the benefit of such allowance shall, before the same be so allowed make affidavit before the lord mayor, or some other of the justices of the peace of the said city, of the rent he really and *bona fide* pays, and whether any fine or other consideration was paid or given upon obtaining of such lease.

IX. Provided, That nothing in this act contained shall extend, or be construed to extend, to charge waste-houses, whilst they are so waste or untenanted, or to charge any houses within the respective liberties of Saint Sepulcher's, Thomas-court, and Donore; but that the several watches within the said liberties shall be constantly kept by the respective inhabitants and inmates in their turns according to the custom and usage in the said liberties; any thing herein, or in any other law, contained to the contrary notwithstanding.

X. And



X. And be it further enacted by the authority aforesaid, That the church-wardens of the said several and respective parishes shall at the end of every six months lay before the chief governor or governors of this kingdom, and the privy council thereof, a true and perfect account of the annual produce of the said respective sums of money charged as aforesaid, as also how the same hath been applied; which account shall be made on oath of the church-warden or church-wardens, if thereunto required; and in case such person or persons shall forswear himself, and be thereof lawfully convicted, he shall incur the same penalties, as a person convicted of wilful perjury at common law.

XI. And be it further enacted by the authority aforesaid, That if any watchman shall quit his station allotted to him, or shall in any other respect absent himself from his duty, or fail therein contrary to the said rules, without some reasonable cause for so doing, to be allowed of by the lord mayor for the time being, or some other justice of the peace of the said city, to whom complaint shall be made, or shall go into any ale-house or cellar to drink, or be found drunk on the watch, such watch-man or watch-men respectively shall upon due proof thereof, to be made before such lord mayor justice of the peace or by the oath of one or more credible witness or witnesses, which oath the said lord mayor or justices are hereby impowered to administer, for each offence forfeit the sum of five shillings, to be deducted out of his or their salary or wages; which sum shall go to such person or persons, who shall inform, or otherwise such offender shall be publickly whipt at the discretion of the lord mayor, or any other justice of the peace, to whom complaint shall be made as aforesaid, who shall make a warrant under his hand and seal for that purpose; and in case any constable or constables shall neglect or fail in his or their duty contrary to such rules without some reasonable cause for so doing, to be allowed of by the lord mayor, or some other justice of the peace, to whom complaint shall be made, such constable or constables shall respectively forfeit the sum of twenty shillings, to be levied by distress and sale of the goods of the constable or constables so offending by warrant under the hand and seal of the said lord mayor, or any other justice of the peace of the said city, to whom complaint shall be made as aforesaid; which sum when levied shall be paid to the informer.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, in case it shall be found necessary, that more watch-houses should be erected in any parish, than are at present established, the grand jury for the county of the city of Dublin shall at their quarter-sessions raise such sum or sums of money for erecting such watch-house or watch-houses, as by them shall be thought reasonable; to be raised and levied upon the parishioners of the respective parishes, where such watch-house or watch-houses shall be so erected; any thing in this act to the contrary notwithstanding.

XIII. Provided always, That the church-wardens of each parish within the said city of Dublin shall be discharged during the time of their continuance in such their office from payment of the said sum of six pence in the pound charged on their respective houses, in which they dwell, by this act; any thing herein contained to the contrary notwithstanding.

XIV. Provided also, That no person shall be obliged to serve as constable by virtue of this act in the same parish, wherein he hath formerly served as constable; any thing herein before contained to the contrary notwithstanding.

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or troubled, for putting in execution any of the powers contained in this act, or for doing any matter or thing pursuant hereunto, such person or persons shall and may plead the general issue not guilty, and give the special matter in evidence; and if the plaintiff or plaintiffs shall be nonsuited, or judgment shall be given against him, her, or them, upon a demurer,  
or

A. D. 1721. or a verdict shall pass for the defendant or defendants, such defendant or defendants shall have treble costs; to be recovered in such manner as where by law costs are given to defendants.

Continuance 2 years, &c. Expired as to such parts of this act. XVI. Provided always, That this act shall continue and be in force from the first day of February one thousand seven hundred and twenty one, for two years, and to the end of the next session of Parliament after the said two years, and no longer.

## C H A P. XI.

*An Act for the supplying a defect in an act passed in the second year of the reign of her late Majesty Queen Anne, intituled, An act for the exchange of glebes belonging to churches in this kingdom.*

2 Anne 10.  
Sec. 1.

Bishops, &c.  
not included  
therein.

Mischief  
thereof.

WHEREAS by an act passed in the second year of the reign of her late Majesty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*: it is provided, “ That rectors, and vicars, and other persons having cure of souls, may by such proper deeds, as are thereby directed, exchange such glebes, as lye at a distance from their parish-churches, for lands of equal value lying near and convenient to the said churches:” which act does not extend to enable archbishops, bishops, deans, archdeacons, dignitaries, or prebendaries of cathedral churches, to exchange their glebes or mensal lands, that lye inconveniently, for other lands of equal value and purchase lying near and convenient to such cathedral churches: and whereas the demesne or mensal lands of some of the archbishops, bishops, deans, archdeacons, dignitaries, and prebendaries of cathedral churches in this kingdom of Ireland, are so inconveniently situated, that the residence of the said archbishops, bishops, deans, archdeacons, dignitaries, and prebendaries of cathedral churches, is become less useful, than it ought to be; and the said archbishops, bishops, deans, archdeacons, dignitaries, and prebendaries are discharged from building houses on their respective mensal lands, and thereby rendered incapable of attending the duties and offices of the said cathedral churches in such manner, as the decent service of Almighty God and the canons and constitutions of the church of this kingdom of Ireland command and require: for remedy whereof, and for the furtherance and promotion of the true religion established in this kingdom, the maintenance of hospitality, and the encouraging building, and the settlement of protestants in such cities, towns, or villages, where such cathedrals now are or may be erected hereafter; be it enacted by the King’s most excellent Majesty, by and with the advice

advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for any archbishop or bishop, dean, archdeacon, dignitary, or prebendary of any cathedral church in this kingdom of Ireland by deed or deeds to exchange such their demesne or mensal lands, as are so inconveniently situated, or any part thereof, with any archbishop, bishop, dean, archdeacon, dignitary, or prebendary aforesaid, or with any other person, for lands of equal value, worth, and purchase, that lye more convenient, and are fitter for building and improvement in any such city, town, or village near such cathedral church, in such manner as by the said act made in the second year of her late most excellent Majesty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*, is directed: and that the lands so conveyed in exchange for such demesne, or mensal lands, shall to all intents and purposes of law be deemed and reputed as the demesne or mensal lands of such archbishop, bishop, dean, archdeacon, dignitary, or prebendary of such cathedral church making such exchange, and his and their respective successors for ever.

A. D. 1721.  
Chap. 11.  
Bishops, dignitaries, &c. may by deed exchange their demesne lands inconveniently situated.  
as by 2 Anne 10.  
5 G. 2. 6.  
15 G. 2. 5.  
29 G. 2. 8.  
31 G. 2. 11.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for every archbishop, bishop, dean, archdeacon, dignitary, or prebendary of any cathedral church, with the consent of the chief governor or governors of this kingdom for the time being, and the privy council of the same, (six at least of the said privy council agreeing thereunto) out of any part of his or their respective lands, being actually out of lease, or whereof any lease unexpired shall be surrendered unto, or purchased by, such archbishop, bishop, dean, archdeacon, dignitary, or prebendary, to set apart so much as shall be convenient for demesne or mensal lands, to him and his successors for ever; which land or lands so set apart shall for ever thereafter to all intents and purposes be reputed and taken for the demesne or mensal lands of such respective archbishop, bishop, dean, archdeacon, dignitary, or prebendary of any cathedral church, and his successors: and where the present demesne lands, or any part thereof, to any archbishop, bishop, dean, archdeacon, dignitary, or prebendary of any cathedral church belonging, are situate at too great a distance from his mansion house, it shall and may be lawful to and for such archbishop, bishop, dean, archdeacon, dignitary, or prebendary of any cathedral church, and his and their successors respectively, with the consent of such chief governor or governors, and privy (council six of them at the least agreeing

And with consent of chief governors, &c. may set apart for demesne land out of lease, surrendered or purchased.  
and where demesne at too great distance, may set apart other lands out of lease, &c. more convenient, and demise the demesne of equal value under the same terms.

A. D. 1721. Chap. I I. agreeing thereunto) to set apart other lands belonging to such archbishop, bishop, dean, archdeacon, dignitary, or prebendary, and being actually out of lease, or whereof any lease unexpired shall be surrendered unto, or purchased by, the said archbishop, bishop, dean, archdeacon, dignitary, or prebendary of any cathedral church, that lye at a more convenient distance from his mansion house, for ever after to be reputed as demesne or menſal lands, to him and his ſucceſſors, and in lieu thereof to demise ſuch demesne or menſal lands ſituate at too great a diſtance from his or their mansion houſe as aforeſaid, being of equal value with the lands ſo ſet apart for demesne or menſal lands, for ſuch eſtate or intereſt, and under as great a rent; and the ſame reſervations, terms, and conditions, as he or they might by law have demised the lands ſo ſet apart as aforeſaid.

But if part only of the demesne let in one lease, consent must be obtained.

III. Provided nevertheless, That if part only of ſuch demesne or menſal lands, ſo to be demised in lieu of lands ſo ſet apart as aforeſaid, ſhall be let in one lease, in every ſuch caſe the conſent of the chief governor or governors and privy council of this kingdom, (ſix at leaſt of ſuch privy council agreeing thereunto,) ſhall be firſt obtained to the rent, reſervations, terms, and conditions of ſuch lease; otherwiſe the ſame ſhall be void.

Where consent once obtained, ſaid demesne may be let again on ſame terms without conſent.

IV. Provided always, and be it further enacted by the authority aforeſaid, That when the conſent of the chief governor or governors and privy council has once been obtained as aforeſaid, for the ſetting any lease of any part of ſuch demesne or menſal lands to any archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church belonging; it ſhall from thenceforth be lawful to and for every ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, or prebendary of any cathedral church, and his and their ſucceſſors, without any ſuch conſent ever again to be had or given, to ſett any lease or leases of the ſame lands in ſuch manner, and under ſuch yearly rent or rents, as the lease or leases thereof granted with ſuch conſent as aforeſaid was or were made.

William arch-biſhop of Dublin may by deed inrolled grant lands, whereof ſeiſed in his own right, to reſident curates,

V. And whereas William lord archbiſhop of Dublin is deſirous to ſettle reſident curates to have the cure of ſouls in ſeveral pariſhes ſituate in the dioceſs of Dublin, and to endow ſuch curacies with proper glebes: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid William lord archbiſhop of Dublin by any deed or deeds under his hand and ſeal, to be enrolled in the high court of Chancery of this kingdom, to give or grant any lands, tithes, tenements, or hereditaments, whereof he the ſaid William lord archbiſhop of Dublin

Dublin is or shall be seized in his own right, to any such resident A. D. curates, as are or shall be by him constituted and appointed for 1721. the cure of souls in any such parish or parishes, and their succeſ- Chap. 11. ſors; and ſuch grant or grants ſhall be good, valid, and effectual in law; and ſuch lands, tiſhes, tenements, and hereditaments, ſo given and granted as aforeſaid, ſhall be and remain to ſuch curates and their ſucceſſors reſpectively for ever.

to them and ſucceſſors:

VI. And be it further enacted by the authority aforeſaid, That in caſe any ſuch reſident curate, or his ſucceſſors, ſhall at any time build, erect, make, or add to any houſe, out- houſe, garden, orchard, or any other neceſſary improvement, on any lands ſo given and granted as aforeſaid, which ſhall be fit and convenient for the habitation of ſuch reſident curate and his ſucceſſor, ſuch curate for the time being, making any ſuch improvement as aforeſaid, ſhall have and receive from his next and immediate ſucceſſor, his executors or administrators, two thirds of the ſum or ſums really and truly expended and laid out by him on ſuch houſes or other buildings or improvements, neceſſary annual reparations only excepted; which ſum or ſums ſhall be finally ſettled and aſcertained by certificate under the hand and ſeal of the archbiſhop of Dublin for the time being; and ſuch ſucceſſor having paid the two thirds of the ſum or ſums, ſo certified as aforeſaid, ſhall and may receive one moiety thereof from his next and immediate ſucceſſors, his executors or administrators; to be paid and recovered at ſuch times, in ſuch manner, and by ſuch ways and methods, as vicars in any other pariſhes are enabled to receive and recover the like diſbursements, by an act made in this kingdom in the tenth year of the reign of his late Maſteſty King William the third; intituled, *An act to encourage building of houſes and making other improvements on church lands, and to prevent delapidations.*

Such curate allowed by ſucceſſor for improvement. two thirds. 12 G. 1. 10. 1 G. 2. 15.

Aſcertained by certificate of ſaid archbiſhop.

Successor to receive a moiety from his ſucceſſor, as by 10 W. 3. 6.

A. D.

1721.

## C H A P. XII.

*An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices; and for the encouragement of protestant schools within this kingdom of Ireland.*

15 C. 1. 11.  
Few churches  
endowed  
in pursuance  
thereof.

**W**HEREAS by an act of Parliament made in the fifteenth year of our late sovereign King Charles the first, intituled, *An act for endowing of churches with glebe lands*, it is enacted, "That any person without licence of *mortmain* may endow churches having no glebe lands, or not above ten acres of glebe, with new glebe, so as the glebe of any such church so endowed do not exceed forty acres at the most:" and whereas very few churches within this kingdom have since the time of making the said act, and in pursuance of the good design thereof, been so endowed: for the more effectual promoting therefore of the design and intent of the said act, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person by the above mentioned act qualified to endow, and so endowing, a church as aforesaid, to reserve unto himself and his heirs for ever such yearly rent out of the lands to be by him granted, and under such clauses and covenants, as shall be agreed upon between such person so granting the same and the incumbent of the said church, by and with the consent of the archbishop or bishop of the diocese, and archbishop of the province, in which such church shall be situate; such consent being signified by certificate in writing under his and their archiepiscopal and episcopal seals respectively.

Endowment  
and certificate  
in six months  
to be inrolled  
in Chancery,  
paying 13 s.  
and 4 d.

II. Provided always, That such endowment, together with the certificate signifying such consent of the said archbishop and bishop respectively as aforesaid, shall within six calendar months from the making of the same be enrolled in the high court of Chancery; for which enrolment the sum of thirteen shillings and four pence shall be paid, and no more.

Demesne to  
be no part of  
endowment.

III. Provided nevertheless, That no person shall be hereby enabled to endow any church with any portion of the demesne lands, usually occupied with and reputed as demesne to appertain unto the mansion or chief dwelling-house to him and his heirs belonging.

IV. And

IV. And be it further enacted by the authority aforesaid, That A. D. 1721.  
if any incumbent of any such church shall purchase glebe-land, and endow his said church with the same, reserving no rent thereout, such incumbent, his executors, or administrators, shall be intituled to two thirds of his purchase money to be paid by his immediate successor, his executors, or administrators; and such immediate successor, his executors, or administrators, shall be intituled to one half of what he shall so pay; which respective sums shall be paid and recovered at such times, in such manner, and by such ways and methods, as vicars of any parishes are enabled to recover any sum or sums of money, laid out in building upon and improving church lands, by an act passed in the tenth year of the reign of our late sovereign King William the third, intituled, *An act to encourage building of houses and making other improvements on church lands, and to prevent dilapidations.*

*If incumbent purchase glebe, and endow, reserving no rent, intituled to two thirds of purchase money from successor, who is intituled to half;*

*recovered as money laid out by vicars by 10 Wil. 3. 6.*

V. And whereas by an act made in the second year of our late sovereign Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*, power is given unto every archbishop and bishop under the limitations in the said act mentioned to grant twenty acres of land, plantation measure, belonging to his archbishoprick or bishoprick near any church, and convenient for a glebe to the said church, to a rector, vicar, or other ecclesiastical person having actual cure of souls, and his successors, for a glebe: and whereas by experience it is found that in many parts of this kingdom, by reason of the barrenness of the land, twenty acres of the same will be no way sufficient for the accommodation and residence of the incumbent: be it therefore enacted by the authority aforesaid, That it shall and may be lawful for every archbishop and bishop, with the consent of his dean and chapter respectively signified by certificate in writing under their hand common seal, and, where there is no dean and chapter, with the consent of the archdeacon and six beneficed clergy-men of his diocese, signified in writing under their hands and seals by deed or deeds under the hands and seals of such archbishop or bishop respectively (such deed or deeds, together with such certificate of such consent as aforesaid, to be enrolled as aforesaid, and under the rules and limitations of the said last mentioned act) to grant any quantity of land belonging to his archbishoprick or bishoprick respectively, not exceeding forty acres plantation measure, as a glebe for the incumbent or minister of any parish having actual cure of souls: provided that such quantity of land so granted, together with all other glebe to such incumbent before belonging, shall not exceed forty acres plantation measure.

*2 Anne 10.*

*20 acres not sufficient in many parts.*

*Bishops, with consent certified and enrolled as by that act, may grant 40 acres for glebe.*

*But the whole glebe not to exceed 40 acres.*

VI. Provided always, That where two or more ecclesiastical benefices are united either in pursuance of any act of Parliament,

*Where an union, no more than one or church shall*

A. D. 1721. or by an episcopal union, it shall not be lawful for any person, during the continuance of the said parliamentary or episcopal union, to endow more than one of the churches, to any such union belonging, with any portion of glebe : saving and excepting always, that it shall and may be lawful for any person before mentioned

be endowed with glebe.

But 10 acres may be granted for resident curate of chappel of ease :

so as the whole glebe exceed not 60 acres.

to give or grant to any archbishop or bishop of any diocess, and his successors, any quantity of land not exceeding ten acres for the use of a resident curate of any church or chappel of ease, wherein divine service shall be constantly performed, so as that all the glebe land belonging to any parish-church or mother-church in any union, and also the chappel or chappels of ease to any such parish-church or mother-church belonging shall not in the whole exceed sixty acres plantation measure.

2 G. I. 15.

If incumbent tenders to trustees of first fruits, certificate of building a house slated, &c. on his glebe, to be paid 100 l. at their discretion.

VII. And whereas the first fruits, arising out of all ecclesiastical benefices and promotions within this kingdom, are by letters patents from her late Majesty Queen Anne, and by an act of Parliament for confirming the same, made in the second year of his present Majesty's reign, vested in certain trustees as a fund for purchasing glebes, and for other uses in the said letters patents and act of Parliament mentioned : be it further enacted by the authority aforesaid, That in case any incumbent or minister, having actual cure of souls, shall tender a certificate under the hand and seal of the archbishop or bishop of the diocess respectively to the said trustees for the time being, or to such a number of them duly assembled, as have power by law to act, That the said incumbent hath built, or procured to be built, upon the glebe belonging to his benefice, where such cure is, one convenient dwelling-house covered with shingles, slates, or tiles, then and in every such case it shall and may be lawful to and for the said trustees, or such number of them assembled as aforesaid, at their discretion out of the said fund to pay any sum not exceeding one hundred pounds *sterling* to such incumbent, his executors, administrators, or assigns, towards reimbursing the charge such incumbent shall have been at in such building.

Such sum not to be comprised in bishop's certificate of money laid out by incumbent pursuant to 10 Wil. 3. 6.

VIII. Provided always, and be it hereby enacted by the authority aforesaid, That such sum or sums, as shall be so paid to such incumbent, his executors or administrators, shall not be comprised in, but shall be left out of, any certificate by any archbishop or bishop to him or them to be given for any sum or sums of money by such incumbent laid out or expended in buildings or improvements in pursuance of the said act of the tenth year of the reign of his said late Majesty King William the third, intituled, *An act to encourage building of houses, and making other improvements on church-land, and to prevent dilapidations.*



IX. And for the better encouragement of English protestant schools, which are much wanting in this kingdom, be it enacted by the authority aforesaid, That it shall and may be lawful for every archbishop and bishop with such consent, and signified as before mentioned, and also for every dean, archdeacon, dignitary, prebendary, rector, vicar, and ecclesiastical person whatsoever, with the consent of his archbishop or bishop, such consent to be signified by certificate in writing under the hand and seal of such archbishop and bishop respectively, by deed or deeds under their respective hands and seals (such deed and deeds, together with such certificates of such consent as aforesaid, to be enrolled as aforesaid respectively) to make an absolute grant unto the church-wardens of each parish, and their successors for ever; who are hereby enabled to take and hold such grant accordingly of any quantity of land to any of them respectively belonging as glebe or otherwise, not exceeding two acres for an archbishop or bishop, and one acre for any other person before mentioned, for the use of a resident protestant school-master to teach the English tongue, from time to time to be nominated by the person making such a grant, and his successors, and licensed by the archbishop or bishop of the diocess respectively.

A D. 1721.

Bishops, dignitaries, and all ecclesiastical persons, with consent certified may by deed (inrolled with certificate) grant to church-wardens, 2 acres for a bishop and one for others, for an English protestant school-master, named by grantor and successors, and licensed.

5 G. 2. 4.  
29 G. 2. 7.

X. Provided that no land granted as aforesaid for the use of any rector, vicar, or other ecclesiastical person, or of any school-master, shall be reputed to make such rector, vicar, ecclesiastical person, or school-master, or any person under any of them deriving, a freeholder to any intent or purpose of law whatsoever.

No grant as aforesaid shall make any of said persons freeholders.

### C H A P. XIII.

*An act for reducing the interest of money to seven per cent.*

WHEREAS at this time there is a very great abatement in the value of divers merchandizes, wares, and commodities of this kingdom both at home and also in foreign parts, whither they are transported: and whereas divers subjects of this kingdom, as well the gentry, as merchants, farmers, and tradesmen, both for their urgent and necessary occasions for the following their trades, maintenance of their stocks and employments, have borrowed, and do borrow, divers sums of money, wares, merchandizes, and other commodities: but by reason of the said fall and abatement of the prices of the said merchandizes, wares, and commodities, an interest on loan, continuing at so high a rate as eight pounds in the hundred pounds for a year, doth not only make men unable to pay their debts, and

10 C. 1. 22.  
10 C. 1. 22.  
2 Anne 16.  
8 per cent.  
5 G. 2. 7.  
6 per cent.  
21 J. 1. 17.  
Eng.  
12 C. 2. 13.  
Eng.  
12 Anne 16.  
stat. 2. Eng.  
Abatement in value of merchandise, debts increasing from so high interest as 8 per cent, men

continue

A. D. continue their trade, but their debts daily encreasing, they are  
 1721. forced to sell their goods at very low rates, to forsake the use of  
 Chap. 13. merchandize and trade, and so become unprofitable members of  
 the commonwealth, to the great hurt and hinderance of the same :  
 be it therefore enacted by the King's most excellent Majesty, by  
 and with the advice and consent of the lords spiritual and tem-  
 poral and commons in this present Parliament assembled, and by  
 the authority of the same, That no person or persons whatsoever

forced to sell  
 their goods at  
 very low rates,  
 and forsake  
 trade.

After 25  
 March 1722  
 on any con-  
 tract none  
 shall take for  
 loan of money  
 or commodi-  
 ties above 7  
 per cent.

Bonds and  
 contracts  
 where more  
 reserved, void.

Penalty tre-  
 ble value on  
 persons taking  
 more by any  
 corrupt bar-  
 gain, loan, ex-  
 change or any  
 covin.

For bro-  
 kage or pro-  
 curing loan no  
 more than 5 s.  
 for 100 l. for  
 a year shall be  
 taken ;

from and after the twenty fifth day of March, which will be in  
 the year of our Lord one thousand seven hundred and twenty  
 two, upon any contract, to be made after the said twenty fifth  
 day of March one thousand seven hundred and twenty two,  
 shall take directly or indirectly for loan of any monies, wares,  
 merchandizes, or other commodities whatsoever, above the value  
 of seven pounds for the forbearance of one hundred pounds  
 for a year, and so after that rate for a greater or lesser sum, or  
 for a longer or shorter time ; and that all bonds, contracts, and  
 assurances whatsoever, made after the time aforesaid for payment  
 of any principal, or money to be lent, or covenant to be per-  
 formed upon or for any loan, whereupon or whereby there shall  
 be taken or reserved above the rate of seven pounds in the hun-  
 dred as aforesaid, shall be utterly void : and that all and every  
 person or persons whatsoever, which shall after the time aforesaid  
 upon any contract to be made after the said twenty fifth day of  
 March, which shall be in the year of our Lord one thousand  
 seven hundred and twenty two, take, accept, and receive by  
 way or means of any corrupt bargain, loan, exchange, chevizance,  
 whift, or interest, of any wares, merchandizes, or other thing or  
 things whatsoever, or by any deceitful way or means, or by any  
 covin, engine, or deceitful conveyance for the forbearing or giving  
 day of payment for one whole year, of or for their money, or  
 other thing, above the sum of seven pounds for the forbearing of  
 one hundred pounds for a year, and so after that rate for a greater  
 or lesser sum, or for a longer or shorter time, shall forfeit and  
 lose for every such offence the treble value of the monies, wares,  
 merchandizes, and other things so lent, bargained, sold, exchanged,  
 or whifted.

II. Be it also enacted by the authority aforesaid, That all and  
 every scrivener and scriveners, broker and brokers, solicitor and  
 solicitors, driver and drivers of bargains for contracts, who shall  
 after the said twenty fifth day of March which shall be in the  
 year of our Lord one thousand seven hundred and twenty two,  
 take or receive directly or indirectly any sum or sums of money,  
 or other reward or thing for brokage, soliciting, driving, or pro-  
 curing

curing the loan, or forbearing of any sum or sums of money A. D.  
over and above the rate or value of five shillings, for procuring 1721.  
the loan or forbearing of one hundred pounds for a year, and so  
rateably, or above twelve pence for making or renewing of the <sup>and 12 d.</sup>  
bond or bill concerning the same, shall forfeit for every such of- <sup>for making</sup>  
fence twenty pounds, and suffer imprisonment for half a year; <sup>bond or bill:</sup>  
the one moiety of all which forfeitures to be to our sovereign <sup>Penalty 20 l.</sup>  
Lord the King's Majesty, his heirs and successors, and the other <sup>and 6 month's</sup>  
moiety to him or them that shall sue for the same in any of his <sup>imprisonment:</sup>  
Majesty's Four courts in Dublin by action of debt, bill, plaint, <sup>All forfei-</sup>  
or information, in which no effoign, wager of law, or protection, <sup>tures to the</sup>  
shall be allowed. <sup>King and pro-</sup>  
<sup>secutor.</sup>

C H A P. XIV.

*An act for the better securing the payment of bankers notes.*

W H E R E A S the trade of this kingdom is partly carried on by the means <sup>Repealed 33 G</sup>  
of cash notes given by bankers, or those intrusted by them to give notes, <sup>2. 14.</sup>  
to the payment whereof their real estates are not liable after their respective deaths,  
which in many cases may prove dangerous to their creditors: for the better securing  
the payment of such notes, be it enacted by the King's most excellent Majesty, by  
and with the advice and consent of the lords spiritual and temporal and commons  
in this present Parliament assembled, and by the authority of the same, That where  
any person or persons doth or shall follow or exercise the trade or calling of a ban-  
ker by keeping a publick shop, house, or office, for the receipt of the money of  
such persons, as are willing to deposite the same in his or their custody, and doth or  
shall usually by himself, or any person by him or them for that purpose employed,  
give or issue out promissory notes for the payment of money so deposited on demand,  
or upon any certain day, if any such banker, person or persons, shall not pay such  
note or notes upon demand, when the same is or shall become due, every such ban-  
ker, person or persons, so making default in payment, his and their heirs, executors,  
and administrators, shall from thenceforth be liable to pay not only the sum and  
sums in such note or notes contained, but also legal interest for the same from the  
time of such demand unto the time of paying the same; and in case any action  
shall be brought upon any such note, and the plaintiff in such action shall recover  
against the defendant, such plaintiff shall have judgment against such defendant for  
the sum due upon such note at the time of the demand thereof made, together with  
the legal interest thereof, to the time of such judgment.

II. And be it enacted by the authority aforesaid, That if any such banker or  
bankers shall abscond and conceal himself or themselves from his or their creditors,  
upon affidavit made by any credible person that such banker or bankers hath or  
have absconded and concealed himself or themselves as aforesaid, and that a demand  
hath been made at his or their shop or usual place of residence for any sum or sums,  
for which he or they, or any person by them for that purpose employed, have  
issued any promissory note or notes, it shall and may be lawful to and for any per-  
son or persons, to whom the same is due and payable, to prosecute his, her, or  
their action, against such banker or bankers, and to obtain judgment therein, in such  
manner as if such banker or bankers had been actually arrested at his, her, or  
their suit, and had given an appearance or put in bail thereon.

VOL. V.

R

III. And

A. D.  
1721.  
Chap. 14.

III. And be it further enacted by the authority aforesaid, That no settlement or conveyance by any such banker made of any real or personal estate to him belonging either in law or equity, after the time that such banker shall so abscond and conceal himself from his creditors, although the same should be made for valuable consideration, shall hinder or prevent any creditor, to whom any sum of money shall have been due before the time of such absconding, from having such debt, as he shall recover, levied upon any such real or personal estate, as such banker at the time of his absconding shall have been possessed of, in such manner as if no settlement or conveyance thereof had been made.

IV. And be it further enacted by the authority aforesaid, That immediately from and after the death of any banker or bankers all the real estate, whether for lives, in fee simple, or fee tail, and all the personal estate, credits, and effects whatsoever, either in law or equity, of which such banker or bankers shall dye possessed, or be intituled to, at the time of his or their death, shall be liable and subject to all and every his and their debts of what kind or nature soever the same be, notwithstanding any settlement, conveyance, devise, legacy, bequest or other disposition thereof made, other than such as shall appear to have been made *bona fide* for good and valuable consideration; and all and every creditor and creditors of such banker or bankers shall and may have and maintain his, her, or their action or actions for his, her, or their respective debts and demands against the heir and heirs at law of such banker or bankers, or against such heir or heir at law, and the devisee or devisees, grantee or grantees of such real estates, or any part thereof (other than purchasers for valuable consideration) as aforesaid, jointly by virtue of this act; and such creditor and creditors shall and may recover his, her, or their debts and demands against the defendant or defendants in such action or actions, in the same manner to all intents and purposes as debts due by any specialty, made by any deviser, may be recovered against any devisee, by virtue of an act of Parliament made in the second year of the reign of her late Majesty Queen Anne, intituled, *An act for the relief of creditors against fraudulent devises*.

2 Anne 5.

V. And be it further enacted by the authority aforesaid, That all deeds and conveyances, that shall from and after the second day of February one thousand seven hundred twenty and one, be made or perfected by any banker or bankers, or any person or persons by them for that purpose impowered, whereby any real estate shall be granted, released, sold, mortgaged, demised, or any way incumbered or affected, shall be duly inrolled in the high court of Chancery of this kingdom within one kalender month from the time the same shall be perfected by the parties thereto, or any of them; and a memorial thereof shall also be registred in the office for the publick registry of all deeds, conveyances, and wills, that shall be made of any honours, manors, lands, tenements, or hereditaments, within one kalender month from the perfection thereof, by any of the parties thereto, if such deed be perfected in this kingdom, and if such deed shall be perfected by any such banker or bankers, when out of this kingdom, then such deed or conveyance shall be inrolled and registred as aforesaid within three kalender months from the perfection thereof by any of the parties thereto; and for want of such inrolment or registry, all such deeds and conveyances as aforesaid shall be deemed fraudulent and void against all and every creditor and creditors of such banker or bankers, notwithstanding such deed or conveyance was made for valuable consideration.

C H A P.

*An Act for explaining and amending two several acts in relation to the publick registering of all deeds, conveyances, and wills.*

WHEREAS by an act of Parliament made in this kingdom in the sixth year of the reign of her late Majesty Queen Anne, intituled, *An act for publick registering of all deeds, conveyances, and wills, that shall be made of any honours, manors, lands, tenements, or hereditaments*, it is among other things enacted, “ That all and every memorial to be entered or registred, as “ by the said act is prescribed, shall be put into writing in vellum “ or parchment, and directed to the register of the office therein “ appointed ; and, in case of deeds and conveyances, shall be under “ the hand and seal of some or one of the grantors, or some or “ one of the grantees, his, her, or their guardians or trustees : ” and whereas a doubt hath arisen, whether in case of the death of the immediate grantee or grantees in any such deed or conveyance, before his, her, or their having duly executed a memorial, the execution of a memorial by the heirs, executors, administrators, or assigns, of such grantee or grantees, be sufficient in order to the entring and registering such memorial within the intent and meaning of the said recited act : and whereas many such immediate grantees have happened to die, before they had executed memorials of their deeds and conveyances, by means whereof, and by reason of the aforesaid doubt, memorials of many deeds and conveyances have not been hitherto registred, and many hereafter may happen not to be registred, which may be to the great prejudice of many of his Majesty’s faithful subjects in their estates and properties : for remedy whereof, be it declared and enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That where any grantee or grantees in any deed or deeds, conveyance or conveyances, made and executed since the twenty fifth day of March one thousand seven hundred and eight, or that shall hereafter be made and executed, or any devisee or devisees by any will or wills, as well in cases where the testator hath died since the said twenty fifth day of March, as where the testator shall happen to die hereafter, of or concerning, or whereby any honours, manors, lands, tenements, and hereditaments within this kingdom of Ireland are or may be any ways affected, hath or have

6 Anne 2.  
Sec. 6.

Doubt there-  
upon.

Grantees or  
devisees dying  
before they  
execute a me-  
morial, the  
heirs, execu-  
tors, &c. may  
sign and seal a  
memorial.

A. D. have happened, or shall happen, to die, before his, her, or their  
 1721. having executed a memorial of such deed or deeds, conveyance  
 Chap. 15. or conveyances, will or wills; it shall and may be lawful to and  
 ~~~~~ for the heirs, executors, administrators, or assigns, of such grantee  
 or grantees, devisee or devisees, or for some or one of them, to  
 sign and seal a memorial of such deed or deeds, conveyance or  
 conveyances, will or wills; and the same shall be and is hereby  
 declared to be as valid and effectual for the entering and registering  
 of such deeds, wills, and memorials, from the time of entering and  
 registering the same, as if such memorial had been signed and sealed  
 by some or one of the immediate grantees or devisees named in  
 such deed or deeds, conveyance or conveyances, will or wills; and  
 that in all memorials, hereafter to be signed and sealed, the place  
 of abode of the subscribing witness or witnesses to such memorial,  
 who is not a subscribing witness to such deed or deeds, conveyance  
 or conveyances, will or wills, shall be inserted in the said me-  
 morial.

Place of a-  
 bode of wit-  
 nesses to memo-  
 rial, who is  
 not witness to  
 the deed or  
 will, shall be  
 inserted in me-  
 morial.

further doubt  
 on 6 Anne 2.  
 Sec. 10.

Register,  
 upon delivery  
 of note to him,  
 shall file it,  
 and give nega-  
 tive certificate.

II. And whereas by the said recited act it is further enacted,  
 " That every register, or his deputy, as often as required, shall make  
 " searches concerning all memorials, that are registred as aforesaid,  
 " and give certificates concerning the same under his hand, if  
 " required by any person : " and whereas a doubt hath also arisen,  
 whether the register, or his deputy, are obliged by the said recited  
 act to give negative certificates : and whereas the said act would  
 prove in a great measure ineffectual, and the intent thereof be  
 frustrated, and purchasers rendered precarious and insecure, in case  
 negative certificates be not given by the register, or his deputy,  
 to the person or persons requiring the same : be it therefore fur-  
 ther enacted by the authority aforesaid, That when any person or  
 persons shall come to the said register-office, and require any such  
 negative certificate to be given, he, she, or they, so requiring the  
 same, shall deliver unto and lodge with the said register, or his  
 deputy, a note in writing, under his, her, or their hand or hands,  
 and mentioning his, her, or their respective places of abode, to  
 the following effect : (*viz.*)

The note.

*I (or we) desire to know what memorial or memorials are en-  
 tered in your office of any deeds or conveyances made to any, and  
 what person or persons; or of any and what wills made by  
 of or concerning any and what manors, lands, tene-  
 ments, or hereditaments, since the day of  
 in the year of our Lord*

And

And upon delivery of such note in writing, as aforesaid, the said A. D. register, or his deputy, shall file the said note, and shall be and is 1721. hereby required, as soon as conveniently may be, to give to such Chap. 15. person or persons requiring the same, a negative certificate or certificates to the effect following: (*viz.*)

Upon diligent search made in the register-office from the day in the year of our Lord  
 I do not find any memorial of any deed or conveyance made by to any person or persons, of any manors, lands, tenements, or hereditaments whatsoever, entred in the said office before the date hereof, except the memorials herein after mentioned, (*viz.*) Witness my hand this day of in the year of our Lord

Certificate.

Which certificate shall be attested by two or more credible witnesses; of which the person, or one of the persons, who bring such note, shall be one; and if such register, or his deputy, shall be guilty of any fraud, collusion, or wilful neglect, in making out such certificate or certificates, whereby any person shall be aggrieved or damnified, such person so damnified, his heirs, executors, or administrators, shall recover his damages against such officer, or his deputy, with full costs of suit.

Two witnesses to certificate: one the person who brings it. Register guilty of fraud or neglect, damages and full costs to the party.

III. And whereas by an act of Parliament made in the eighth year of the reign of her said late Majesty Queen Anne, intituled, *An act for amending an act, intituled, An act for the publick registering of all deeds, conveyances, and wills, that shall be made of any honours, manors, lands, tenements, or hereditaments*; it is enacted, " That in case of mortgages, whereof memorials then  
 " had been entred, or should be entred, in the said register-office  
 " pursuant to the said first mentioned act, if at any time afterwards a certificate should be brought to the register of the said  
 " office, or his deputy, signed and sealed by the respective mortgagee or mortgagees in such mortgage, his, her, or their respective executors, administrators, or assigns, and attested by  
 " two or more witnesses, one of which witnesses should by affidavit, to be made in manner by the said last recited act directed, prove such money to be satisfied and paid accordingly, and that  
 " he or she saw such certificate signed and sealed as aforesaid; that  
 " then the said register, or his deputy, should make an entry in the margin of the registry books against the registry of the memorial of such mortgage, that such mortgage was satisfied and

8 Anne 10. Sec. 3.

VOL. V. 8 " dis-

A. D. 1721. “ discharged according to such certificate:” and whereas satisfaction on all judgments can be acknowledged in the courts of King’s bench, Common pleas, and Exchequer, and also satisfaction on all statutes staple and statutes merchant entred in the high court of Chancery, by virtue of a warrant of attorney perfected by the parties recovering such judgments, and conusees of such statutes, for entring such satisfaction, upon oath made by one of the subscribing witnesses to the said warrant of attorney, that such warrant was so perfected by such party or conuzee: and whereas many mortgages, whereof memorials are registred in the said register-office, have been justly satisfied and discharged by accounts between mortgagors and mortgagees; their heirs, executors, administrators, or assigns, or by bills of exchange, new securities, or otherwise: yet nevertheless it hath been often found impracticable for the person or persons satisfying and discharging the same to make such proof thereof, as the letter of the said last recited act requires, and therefore satisfaction cannot be acknowledged in the said register-office, but the entries or memorials of such mortgages remain upon record, as though such money due by such mortgages had not been satisfied and paid; which is found by experience to be greatly prejudicial to the persons making such mortgages: for remedy thereof, be it further enacted by the authority aforesaid, That in case of mortgages, where memorials have already been entred and registred, or that hereafter shall be entred or registred, in the said register-office; and when the payment of the money cannot be proved, as in the said last recited act is directed, if at any time afterwards a certificate or certificates shall be brought to the said register, or his deputy, signed and sealed by the respective mortgagee or mortgagees in such mortgages, his, her, or their executors, administrators, or assigns respectively, and attested by three credible witnesses, at the least, to be named in such certificate, with the places of their abodes and occupations, importing, that the money due by such mortgages, and the interest thereof, has been duly paid and satisfied to the said mortgagee, his, her, or their executors, administrators, or assigns respectively, or to some person or persons by his, her, or their order, and such mortgagee or mortgagees, his, her, or their executors, administrators, or assigns, making affidavit in writing at the foot or on the back of such certificate before the said register, or his deputy, or before some of the persons empowered by the said two recited acts, or either of them, who are hereby required and impowered to administer such oath, that he, she, or they, do not know of any other person or persons concerned in interest in such mortgage or mortgages, and one of the witnesses to such certificate by affidavit to be made by him before the said register,

by letter of  
said act satis-  
faction of  
mortgages fre-  
quently cannot  
be acknow-  
ledged:

where me-  
morial of  
mortgage re-  
gistered, and  
payment of the  
money cannot  
be proved, as  
by 8 Anne 10,  
if afterwards  
certificate of  
mortgagee,  
&c. brought  
to register  
with 3 wit-  
nesses of pay-  
ment, and af-  
fidavit of mort-  
gagee, &c. of  
not knowing  
any other con-  
cerned, one of  
the witnesses  
making affida-  
vit that he saw  
such certificate  
signed and af-  
fidavit sworn,  
and mortga-  
gor, &c. pro-  
ducing origi-  
nal cancelled,  
or another cer-  
tificate proved  
as aforesaid of  
mortgagee,  
&c. that it is  
lost or de-  
stroyed,



register, or his deputy, or before some of the persons impowered A. D.  
by the said two recited acts, or either of them, who are hereby 1721.  
required and impowered to administer such oath, proving, that Chap. 15.  
he or she saw such certificate duly signed and sealed by the said  
mortgagee or mortgagees, his, her, or their respective heirs, exe-  
cutors, administrators, or assigns, and saw such affidavit sworn  
by such mortgagee or mortgagees, his, her, or their executors,  
administrators, or assigns, and upon the mortgager, or his heirs, exe-  
cutors, administrators, or assigns, his, her, or their attorney or agent,  
producing to the said register, or his deputy, the original mort-  
gage so registred, cancelled, if the same be extant and in being ;  
and if the same be lost, or accidentally destroyed, then upon such  
mortgagor, his heirs, executors, administrators, or assigns, leav-  
ing with the said register, or his deputy, another certificate signed  
and sealed by the mortgagee, his heirs, executors, administrators,  
or assigns, that the said mortgage is lost or accidentally destroyed ;  
which certificate to be attested by three credible witnesses at least,  
to be named in such certificate, with the places of their abodes  
and occupations, and one of the witnesses to such certificate by  
affidavit, to be made as aforesaid, proving that he saw such mort-  
gagee, his, her, or their heirs, executors, administrators, or  
assigns, duly sign and seal such certificate, for each of which affi-  
davits so made before the said register, or his deputy, the sum of  
six pence, and no more, shall be taken ; then and in every such  
case the said register, or his deputy, is hereby required to make  
an entry on the said registry books against the registry of the me-  
morial of such mortgage, as also at the foot or on the back of the  
memorial of such mortgage, that such mortgage was satisfied and  
discharged according to such certificate ; any thing in the said two  
recited acts, or either of them, to the contrary thereof in any wise  
notwithstanding.

Register for  
each affidavit  
to take 6 d.

and then to  
enter satisfac-  
tion.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counter-  
feit any such certificate, as is herein before mentioned and directed,  
and shall be thereof lawfully convicted, such person or persons  
shall incur and be liable to such pains and penalties as in and by  
an act of Parliament made in the twenty eighth year of the reign  
of Queen Elizabeth of blessed memory, intituled, *An act against  
forging evidences, &c.* are imposed upon offenders therein men-  
tioned for forging of any false deed or writing sealed, whereby any  
estate of free-hold or inheritance may be molested, troubled, or  
defeated ; and if any person or persons shall at any time forswear  
him or herself before the said register or his deputy, or other  
person impowered by the said two former acts, or either of them,  
or this act, for taking affidavits in any of the cases aforesaid, and  
be

Penalty of  
counterfeiting  
certificate, as  
by 28 Eliz. 3.

A. D. 1721. be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties, as if the same oath had been voluntarily and corruptly made in a cause depending in any of the courts of record in Dublin in a matter material in such cause.

for perjury,  
as if in court  
of record at  
Dublin.

This a public  
act.

V. And be it further enacted by the authority aforesaid, That this present act shall be taken and allowed in all courts within this kingdom as a publick act; and all judges, justices, and other persons therein concerned, are hereby required to take notice thereof as such without special pleading the same.

## C H A P. XVI.

*An act for amending an act, intituled, An act for erecting and continuing lights in the city of Dublin, and the several liberties adjoining; and also in the cities of Cork and Limerick, and liberties thereof.*

Expired, save  
only to intitle  
representatives  
of Aldrich and  
Cummin to re-  
cover arrears  
of taxes.

4 G. 1. 9.  
11 G. 2. 19.  
15 G. 2. 11.  
33 G. 2. 18.

Recital of 6  
G. 1. 18.

The times for  
lamps burning  
by 6 G. 1. 18.  
insufficient,

and also ed.

WHEREAS the putting up of lights in the city of Dublin, and other cities in this kingdom, hath been found to be of great use for the preventing of murders and robberies within the same, and will in all likelihood, if regularly kept, be a means to prevent the like evils and other outrageous misdemeanours, now more frequently committed than heretofore: and whereas by an act made in the last session of this present Parliament, intituled, *An act for erecting and continuing lights in the city of Dublin, and the several liberties adjoining, and also in the cities of Cork and Limerick, and liberties thereof*; it is among other things enacted, “ That William Aldrich and Hugh Cumming merchants, their executors and administrators, shall have full power and authority from time to time, during the space of twenty one years, to cause publick lights to be erected and maintained in the said city of Dublin, to be light each night at all times the moon shall be down from the first of September to the fifteenth of April in every year; and that for paying and bearing all the charges and expences of the said several lanthorns or publick lights, so to be erected and maintained, there should be allowed, during the continuance of the said act, for each respective house the sum of three shillings yearly, at two equal payments at Christmas and Lady-day, for all such time as the said houses shall be inhabited:” and whereas it has been found by experience, That the times, directed by the said act for the said lamps to be light up in each night and year, are not sufficient for the purposes thereby intended, for that several robberies and insults have been committed in the city of Dublin by wicked and disorderly persons, after the times for enlightening the lamps are expired: be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said William Aldrich and Hugh Cumming, their executors, administrators, and assigns, shall, during the term of twenty one years, in the said act granted to them, cause the several lamps to continue to be light up from

from the twentieth day of August unto the first day of May in every year in the city of Dublin, and that all the lamps shall be actually light up at half an hour after sunset every night, when the moon shall not then be above the horizon, and also until the sixth day of the age of the moon, and every other night at least one hour before the moon shall be set, and remain so till two of the clock in the morning: and that four lanthorns shall be placed on each of the several bridges of the said city of Dublin, which shall, in like manner as all the rest of the lanthorns throughout the said city, be maintained with good sufficient light; all which shall continue burning from half an hour after sunset until break of day every night, whether the moon shall shine or not, between the said twentieth day of August and first day of May in every year.

A. D.

1721.

Chap. 16.

6 G. 2. 22.

II. And whereas they the said William Aldrich and Hugh Cumming, will thereby be obliged to be at a greater expence, than what they have already been at; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of December in the year of our lord one thousand seven hundred and twenty one, during the continuance of the aforesaid act, the respective inhabitants of all the streets, considerable lanes, and other broad places in the said city of Dublin, where the furthest distance between lamp and lamp shall not exceed twenty two yards, shall each of them for each respective house pay the further sum of six pence at two equal payments at Lady-day and Christmas, amounting to the sum of three shillings and six pence *per* house for all such times, as the said houses shall be inhabited; which said sum of three shillings and six pence, shall be recovered by the said William Aldrich and Hugh Cumming, their executors, administrators, and assigns, in like manner as the three shillings *per* house, is in and by the said act directed to be recovered.

Additional tax  
on inhabitants.

III. Provided always, That in case the said William Aldrich and Hugh Cumming, their executors, administrators, and assigns, shall be negligent in performing their duties in not enlightening and maintaining the several lights, and snuffing them, and cleansing the glass of the several lanthorns, as they ought to be, according to the true intent and meaning of this and the said before recited act, that then the said William Aldrich and Hugh Cumming so neglecting, being thereof convicted by the judgment of any one justice of the peace of the said city of Dublin, by the oaths of two sufficient witnesses at the least, which the said justice is by this act authorized to administer, shall forfeit for every such default or neglect the sum of two shillings and six pence to him or them, that shall think fit to prosecute before such justice of the peace for the same; the said forfeiture to be levied by distress upon the goods and chattles of them, the said William Aldrich and Hugh Cumming, or either of them, or of their executors, administrators, or assigns respectively for and in respect of their several and respective neglects, by warrant or warrants under the hand and seal of the said justice; and in case such forfeiture shall not be paid within three days after such distress shall be so taken, it shall and may be lawful to and for the said justice to sell and dispose of such distress, rendering the overplus after payment of such forfeiture, and the reasonable charges for taking and keeping such distress, to the owner.

Penalty on  
Aldrich and  
Cumming for  
neglect.

IV. And whereas idle and disorderly persons have in a riotous manner frequently broke and destroyed the said lamps or lanthorns, to the great loss of them the said William Aldrich and Hugh Cumming, and the said act is defective: for remedying the said mischief, be it further enacted by the authority aforesaid, That if any person or persons shall after the said twenty fifth day of December one thousand seven hundred and twenty one steal or break any such lanthorns or lamps, or shall pull out any of the irons fixed in the walls for the said lanthorns or lamps within the said city of Dublin, or liberties adjoining, or other places near the said city of Dublin, or liberties adjoining, where lamps are appointed to be erected by the said recited act, and shall be thereof convicted by

Penalty for  
breaking lamps,  
&c.

V o L. V.

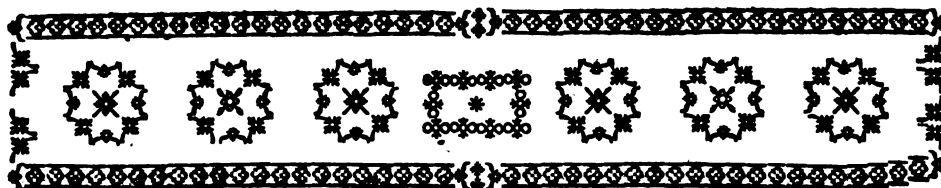
T

the

**A. D.** the oath of one or more witnesses or witnesses before the lord-mayor of the city of Dublin, or seneschals of the respective liberties aforesaid for the time being (which oath the said lord-mayor of Dublin, and seneschals of the respective liberties aforesaid, are hereby respectively impowered to administer) that then and for every such offence the party so offending shall forfeit and pay to the use of the informer the sum of five pounds *sterling*; and also shall forfeit and pay to the said William Aldrich and Hugh Cumming, their executors, administrators, and assigns, or to any other person or persons, who shall be owner or owners of any other lanthorns or lamps within the said city of Dublin, or liberties adjoining, or places aforesaid, as shall be so stolen or broken, the like sum of five pounds *sterling* for each lanthorn or lamp broke, or iron pulled out as aforesaid; which said several penalties shall be recovered in like manner, and by the same ways and methods, as the penalties in and by the said recited act are directed to be recovered, with like remedy by distress for the same; and in case no sufficient distress can be had, every such offender, who shall not forthwith pay the said forfeiture, shall by warrant under the hand and seal of the said lord-mayor of Dublin, or of the respective seneschals of the said liberties, which warrant the said lord-mayor of Dublin, and seneschals are respectively hereby impowered and required to make, be publicly whipped through the streets of the city of Dublin, or other places where lamps are appointed to be erected as aforesaid, upon three market-days, any thing in the said act contained to the contrary thereof in any wise notwithstanding.



**T H E**



A. D.

1723.



THE  
TENTH YEAR  
OF  
GEORGE I.



CHAP. I.

*An Act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes: and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom; and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned: and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof.*

**W**E your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being highly sensible of your Majesties tender regard for the security and welfare of this kingdom, in grateful acknowledgment thereof, and for the better support of your Majesty's government, and securing the repayment of that debt, which was contracted to enable your Ma-  
jesty

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1723.  
Chap. I.

jeſty to put this kingdom in a poſture of defence, when an unnatural and horrid rebellion broke out in Great Britain againſt your Maſteſty, have in the moſt chearful manner unanimouſly granted to your Maſteſty the ſeveral duties herein after mentioned: and for that end do humbly beſeech your Maſteſty, that it may be enacted, and be it enacted, by the King's moſt excellent Maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, which in and by an act of Parliament made and paſſed in the ſecond year of his Maſteſty's reign, intituled, *An act for granting to his Maſteſty an additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, were granted unto his Maſteſty, or chargeable in manner therein mentioned, from the twenty firſt day of November one thouſand ſeven hundred and fifteen, during the ſpace of fix kalendar months, and which by one other act made and paſſed in the ſaid ſecond year of his Maſteſty's reign, were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and ſeventeen incluſive; and which by one act made and paſſed in the fourth year of his Maſteſty's reign, were continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and nineteen incluſive; and which by another act paſſed in the ſixth year of his Maſteſty's reign, were continued until the twenty fifth day of December one thouſand ſeven hundred and twenty one incluſive; and by one other act made and paſſed the laſt ſeſſion of Parliament in the eighth year of his Maſteſty's reign, intituled, *An act for granting and continuing to his Maſteſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo upon all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo for granting and continuing the further additional duties on beer, ale, aqua vitæ, and ſtrong waters, brewed and made in this kingdom; and upon brandy or ſpirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and alſo a tax on all ſalaries, profits of employments, fees, and penſions therein mentioned: and for ſecuring the re-payment of fifty thouſand pounds ſterling, formerly advanced to his Maſteſty for the uſe of the publick, together with the intereſt thereof*, were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and twenty three incluſive, be further granted, continued, raiſed, collected, levied, and paid, unto his Maſteſty, his heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty three, until the twenty fifth day of December one thouſand ſeven hundred and twenty five incluſive.

The addition-  
al duties on beer,  
&c. granted by  
2 G. I. I. fur-  
ther continued  
to 25 Dec. 1725.

II. And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective additional rates, duties, and impoſitions for and upon all ſorts of wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine imported into this kingdom, which in and by one act of Parliament made and paſſed in the ſecond year of his Maſteſty's reign, intituled, *An act for granting to his Maſteſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on ſalaries, profits of employments, fees, and penſions therein mentioned*, were granted unto his Maſteſty, or chargeable in manner therein mentioned, until the twenty firſt day of November one thouſand ſeven hundred and ſeventeen incluſive; and which by an act made and paſſed in the fourth year of his Maſteſty's reign, intituled, *An act for continuing to his Maſteſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and alſo a tax on all ſalaries, profits of employments, fees, and penſions, therein mentioned, and for granting a further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, and for ſecuring the re-payment of fifty thouſand pounds ſterling, formerly advanced unto his Maſteſty for the uſe of the publick, together with the intereſt thereof*, were further continued until the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and

## The tenth year of George I.

77

and nineteen inclusive; and likewise the further and other additional duties and impositions on beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, which in and by the said last mentioned act were granted unto his Majesty until the twenty first day of November one thousand seven hundred and nineteen inclusive, which several and respective additional duties and impositions upon all sorts of wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine imported into this kingdom, and upon beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, by an act made and passed in the sixth year of his Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which in and by the before mentioned act passed the last session of this present Parliament, in the eighth year of his Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, be further granted, continued, raised, collected, levied, and paid unto his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty three, until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty five inclusive.

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Chap. 1.

Additional duties further continued to 25 Dec. 1725.

III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued to his Majesty, all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of his Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen, until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, by the before mentioned act passed in this kingdom in the sixth year of his Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty one, until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, by the before mentioned act passed in the last sessions of this present Parliament, shall be and continue in full force to all intents and purposes, from the said twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty five inclusive.

4 G. 1. 2.


IV. And be it further enacted by the authority aforesaid, That the several additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act passed in this kingdom in the sixth year of his Majesty's reign, intituled, *An act for continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also on all sorts of wines, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned; and for continuing the further additional duty on ale, beer, and strong waters and spirits perfectly made, and upon spirits made and distilled of wine; and for*

6 G. 1. 4.

V. L. V.

U

granting

A. D. 1723.  
Chap. I.  granting an additional duty on molasses, treacle, tea, coffee, chocolate, and cocoa-nutt; and for securing the re-payment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof, from the first day of September one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which were further granted by the before mentioned act passed the last session of this present Parliament from the twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, be further granted, and continued, levied raised, and paid, to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive.

V. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures, and the trade thereof, in this kingdom.

14 & 15 C.  
1. 8.

VI. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby granted and continued, shall be raised, answered, collected, and paid, unto his Majesty, his heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers as are appointed, directed, and expressed in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with like remedy of appeal to and for the party grieved as in and by the said act of excise is provided.

VII. And be it further enacted by the authority aforesaid, That all and every person and persons having upon the twenty fifth day of December one thousand seven hundred and twenty three, or who shall have at any time from and after the said twenty fifth day of December one thousand seven hundred and twenty three, until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, any office, salaries, profits of employments, fees, and pensions, upon the civil or military establishments in this kingdom, shall pay unto his Majesty, his heirs and successors, the full sum of four shillings out of every twenty shillings a year, which he, she, or they, do or shall receive or be intitled unto by reason of such office, salaries, profits of employments, fees, and pensions, unless such person or persons do and shall live and actually reside within this kingdom for and during the space of six calendar months at least in each of the said years; which said tax or duty of four shillings sterling out of every twenty shillings a year as aforesaid shall be stopped and deducted yearly, during the time and term aforesaid, by the vice-treasurer, pay-master, and receiver-general of his Majesty's revenues, and be accounted for to his Majesty, his heirs and successors.

VIII. Provided always, and it is hereby declared, That this act shall not extend to charge the said tax or duty of four shillings sterling a year on every twenty shillings as aforesaid upon the salary, pension, fees, or profits of employment, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the salaries, fees, pensions, pay, or profit of employment, payable to any person or persons, who shall by his or their offices and employments be obliged to an immediate attendance upon the persons of his sacred Majesty, or their royal Highnesses the prince and princess of Wales, or their issue, during the continuance in such their respective offices and employments; or to the pay



pay of the officers of the army, or half-pay officers, upon the establishment of this kingdom. A. D.

IX. And be it further enacted by the authority aforesaid, That the six pence <sup>1723.</sup> *per* pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majesty this present session of Parliament, shall be received by the said vice-treasurer, receiver, or pay-master general, for the use of his Majesty, his heirs or successors, and shall be duly accounted for by him or them to his Majesty, his heirs and successors, as a further and additional aid hereby given and granted. Chap. 1.

X. And be it further enacted by the authority aforesaid, That the additional pay of one penny *per diem* to each effective private soldier of the foot, directed by his Majesty's letter of the seventeenth day of April one thousand seven hundred and twenty two, pursuant to an address of the house of commons, and also the additional pay of four pence *per diem* advanced to each private trooper of the horse; and of two pence *per diem* to each private dragoon, be paid at all times hereafter to each effective private soldier of the foot, and to each effective trooper and private dragoon respectively, without any deduction on account of poundage to the vice-treasurer, pells, hospital money, or any other deduction whatsoever, out of their arrears, subsistence; or cloathing money.

XI. And whereas his Majesty's faithful commons in the first session of this present Parliament, the better to enable his Majesty to provide for the defence and safety of this his Majesty's kingdom, did resolve, That whatever sums of money should be advanced and paid into his Majesty's treasury by any person or persons at the instance of their excellencies the then lords justices, or other chief governour or governours of this kingdom for the time being, for the defence thereof, should be made good with legal interest for the same out of such aids, as should be granted to his Majesty the then next session of Parliament: and whereas for the better securing of such sum or sums as should be so advanced, it is provided by an act passed the first session of this Parliament, intituled, *An act for continuing to his Majesty the additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, that such sum or sums of money, as should be so advanced and paid into his Majesty's treasury, should be repaid unto such person or persons, as should lend or advance the same, his or their executors, administrators, or assigns, with legal interest, out of the next aids to be granted by Parliament, without any deduction: and whereas the sum of fifty thousand pounds hath been advanced and paid into his Majesty's treasury in pursuance of the said resolution and act of Parliament, which debt still remains due and unsatisfied: be it further enacted by the authority aforesaid, That such person or persons, who have advanced or paid into his Majesty's treasury any sum or sums of money, being part of the said principal sum of fifty thousand pounds, their executors, administrators, or assigns, shall continue to have and receive, and be well and truly paid at the receipt of his Majesty's Exchequer, by the hands of the vice-treasurer or pay-master general, his or their deputy or deputies, every six months the interest of the respective sum or sums of money, so by them advanced, at the rate of eight pounds *per cent. per annum*, until the twenty fifth of March one thousand seven hundred and twenty four; and from and after the said twenty fifth of March at the rate of seven pounds *per cent. per annum*, without fee or charge, during the time the said principal sum of fifty thousand pounds, or any part thereof, shall continue unpaid, and free from all manner of deductions, defalcations, and abatements whatsoever, out of such his Majesty's treasure or revenue as shall come to his or their hands, until they are respectively paid and satisfied the respective principal sums, so by them paid and advanced as aforesaid; and if any part of the said principal sum of fifty thousand pounds shall be due and unpaid on the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty five, the same shall be well and truly satisfied and paid unto the several and respective persons, their executors, administrators, or assigns

2 G. I. 7.

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Chap. I. assigns respectively, to whom the same shall be then due, together with such legal interest for the same, at the rate of seven pounds *per cent.* as aforesaid, as shall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever.

XII. Provided nevertheless, if any subscriber or subscribers to the said sum of fifty thousand pounds, or his or their executors, administrators, or assigns, shall refuse to take or accept for the money by him or them advanced seven pounds *per cent.* interest from the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty four, that then upon such subscriber or subscribers, his or their executors, administrators, or assigns, transferring his or their subscription or subscriptions, and the whole benefit thereof, to the vice-treasurer, or his deputy; such subscriber or subscribers, his or their executors, administrators, or assigns, shall have and receive the money due to them upon such subscription from the said vice-treasurer or his deputy; which subscription, so transferred to the said vice-treasurer or his deputy, may be again assigned by him to any person or persons who shall advance the sum due upon such subscription or subscriptions at seven pounds *per cent.* interest; any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned and appointed be paid out of the aforesaid additional duties and aids, granted and continued to his Majesty by this present act, to the persons hereafter mentioned: (that is to say) a sum of one thousand pounds *sterling* to Thomas Burgh, esquire, as an encouragement for inventing and publishing a new method of ascertaining the contents of any survey, which will prevent the errors the present methods are liable to; and also that the sum of two thousand pounds *sterling* be advanced and paid to the subscribers for making the river Liffy navigable, towards carrying on and completing the works on the said river, and making the same navigable; security being first given by mortgaging the interest of the said subscribers to the receiver-general or his deputy for the time being, for securing the re-payment of the said sum of two thousand pounds out of the moiety of the clear profits of the said navigation; and also the sum of fifteen hundred pounds *sterling* to the trustees of the linnen manufacture, towards building a linnen-hall; and likewise that the further sum of two thousand pounds *per annum*, during the space of two years, be paid to the trustees of the linnen manufacture, to encourage the raising sufficient quantities of hemp and flax in this kingdom; and also that a sum not exceeding one thousand pounds *sterling* be given to be applied to the building a chapel in a convenient place, for the use of the officers and soldiers quartered in the barracks of Dublin, to be paid to such person or persons as his Majesty, or the chief governor or governors of this kingdom for the time being, shall appoint to receive the same; and also the sum of three hundred pounds *sterling* to Matthew Pennefather esquire, accountant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation laid before the house of commons this session of Parliament; also the sum of three hundred pounds *sterling* to Bruen Worthington, and two hundred pounds *sterling* to Isaac Ambrose, clerks of the house of commons, as rewards for their respective attendance and services this session of Parliament; and the further sum of two hundred pounds *sterling* to the said Bruen Worthington and Isaac Ambrose, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the house of commons; and also the sum of two hundred pounds *sterling* to John Kerr, clerk assistant; three hundred pounds *sterling* to Richard Povey, serjeant at arms for his attendance on the house of commons; two hundred and fifty pounds *sterling* to William Bayley and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds *sterling* to John Fieldhouse and John Molloy, door-keepers of the house of commons, to be equally divided between them; which said several last men-

mentioned sums are given to the said several persons as rewards for their said several services, attendances, and expences, this session of Parliament; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

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C H A P. II.

*An act for amending the several laws now in force for encouraging the hempen and flaxen manufactures in this kingdom, and for the further improvement thereof.*

FOR amending the laws relating to the hempen and flaxen manufactures, and preventing frauds and abuses therein: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, all flaxen or hempen cloths, made of high white yarn within this kingdom, shall be lapped, made up, marked, sealed, and stamped, by the same persons in like manner, and upon payment of the like fees, and under the same penalties, as well in respect to the lapper, who shall stamp any such flaxen or hempen cloths, as of the person who shall sell or expose the same to sale; to be sued for, recovered, and levied by the same ways or means, as in and by an act of Parliament made in the sixth year of the reign of his present Majesty, intituled, *An act for the better regulating the buying and selling of yarn and cloth, and further improving the hempen and flaxen manufacture of this kingdom*, relating to stamping and sealing bleached linen, are directed and appointed; and that if any person or persons shall counterfeit the said seal or stamp, being thereof lawfully convicted, he and they shall incur and be subject to the same pains, penalties, and punishments, as in and by the said recited act are inflicted on any person, who shall counterfeit the seal or stamp, thereby directed to be set or fixed to places of bleached linen cloth.

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6 G. 1. 7.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, if any bleached cloth or cloths made of high white yarn shall be found in the shop, ware-house, or possession of any trader or dealer, or reputed trader or dealer, in linen cloth, lapped, but not sealed, and stamped according to the said recited statute, he or they, in whose custody the same shall be found, shall forfeit the sum of five shillings for each piece of cloth not sealed or stamped as aforesaid.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, no unbleached cloths, called green cloths, shall be brought to any market or fair, or shall be sold or exposed to sale, otherwise than in the folds, and no ways tied; and if any person or persons from and after the said twenty fifth day of March shall bring any such unbleached cloths to any market or fair, or shall there sell or expose the same to sale, he or they shall for such his offence forfeit the sum of one shilling for every piece of such cloth, so by him or them brought to such market or fair, or there sold or exposed to sale as aforesaid.

IV. And be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March no felon, convicted according to the course of the laws and statutes of this kingdom of stealing of flaxen and hempen yarn or cloth,

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or other flaxen or hempen manufacture above the value of five shillings from out of any bleach-yard, buck-house, or work-house thereunto belonging, whether the fact be committed by day or by night, shall be allowed the benefit of clergy, or of the act of Parliament passed in the ninth year of the reign of her late Majesty Queen Anne, intituled, *An act for taking away the benefit of clergy in certain cases; and for taking away the book in all cases; and for repealing part of the statute for transporting felons*; any law, usage, or custom, to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That if any bleacher or bleachers of hempen or flaxen cloth or yarn for hire or reward from and after the said twenty fifth day of March shall neglect to bleach such cloth or yarn within the time and in the manner contracted for, or shall willfully do any damage to such cloth or yarn, or shall commit any frauds or abuses in bleaching the same; such bleacher or bleachers shall for every such offence forfeit and pay to the party aggrieved any sum not less than two shillings and six pence, nor more than five pounds; to be recovered in manner hereafter mentioned and directed; and likewise that it shall and may be lawful to and for all and singular the weavers of linen cloth within this kingdom to run one course thread at the end of his piece of cloth, sufficient to denote the number of hundreds contained in the said cloth, and likewise near unto the same one other course thread sufficient to denote the number of beers contained in the said cloth, without regard from thenceforth to be had what colour the said thread is of.

VI. And be it further enacted by the authority aforesaid, That when any justice of the peace or chief magistrate shall condemn or adjudge any linen cloth, brought before him, to be forfeited for not being made pursuant to the laws and statutes in force in this kingdom, such justice of the peace, or chief magistrate, before he shall deliver the same to the informer, shall and may order and cause such cloth to be cut and severed into three equal parts.

VII. And be it further enacted by the authority aforesaid, That all linen weavers, who shall have before the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty four actually followed the trade and mystery of weaving linen cloth, shall be discharged of and from all penalties and forfeitures whatsoever by him or them incurred on or before the said five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, for and upon account of his or their having exercised the said art or mystery of weaving linnen cloth, not having served his or their apprenticeship to the trade of weaving flaxen cloth for the space of five years, and not having wrought at the flaxen trade as a journeyman for the space of two years, by virtue of an act of Parliament made in the eighth year of the reign of her late majesty Queen Anne, intituled, *An act to amend the defects of such acts as have been made relating to the hempen and flaxen manufacture, and to encourage the further improvement thereof.*

VIII. And be it enacted by the authority aforesaid, That if any person or persons, not having served as an apprentice or apprentices for the space of four years at least in the trade or mystery of linen weaving, shall from and after the said five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, set up for him or themselves, and keep a loom and work at the same as a weaver or weavers of linen cloth, every such person for such offence shall forfeit the sum of five pounds.

IX. And be it further enacted by the authority aforesaid, That no looms, spinning-wheels, reels, and hatchels, which the trustees for encouraging the hempen and flaxen manufactures in this kingdom shall lend, or cause to be lent, to any person or persons for carrying on the said manufactures, or either of them, being sealed and branded with the seal or mark appointed or used by the said trustees for that purpose, shall be subject to be distrained for rent, hearth-money, or on any other account whatsoever, or to be seized or taken in execution, or by  
virtue

virtue of any mesne process issuing out of any court, by any sheriff, bailiff, or other person or persons whatsoever. A. D.

X. And whereas all methods hitherto used have proved ineffectual to oblige the people of this kingdom to reel and divide their yarn in a regular and fair manner: be it enacted by the authority aforesaid, That from and after the first day of November one thousand seven hundred and twenty four, during the term and time of three years from thence next following, and from thence to the end of the then next session of Parliament, all reeled linen yarn, which shall be found in the custody or possession of any spinner, maker, or reeler of linnen yarn, or of any person in trust for them, or any of them, or for his or their benefit, which shall not be reeled and made up according to the directions of the acts of Parliament in this kingdom for that purpose made, shall be subject and liable to the like seizure, forfeiture, and condemnation, as if the same had been actually exposed to sale. 1723.  
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XI. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons in the fairs and markets of this kingdom to make use of scales and weights, but not ounces, in order to distinguish and ascertain the sort or denomination of yarn reeled statutably, whether the same be of this or that dozen to the pound; any law or statute to the contrary notwithstanding.

XII. And be it enacted by the authority aforesaid, That if any person or persons shall be convicted on any indictment for unlawfully taking or rescuing linnen-cloth or yarn out of the custody or possession of any person or persons, who had seized the same for being unstatutable, or not pursuant to the laws and statutes in force in this kingdom, the judges or justices of the peace, before whom such indictment shall be tried, shall and may by examination of witnesses, and all other lawful means, enquire of the value of the cloth, or yarn so taken or rescued from the person, who had seized the same as aforesaid, such judges or justices respectively, after imposing such fine as they shall judge proper, shall and may, and are hereby required to make an order directed to the constables of the said county, to levy the same by distress and sale of the goods and chattles of the person so convicted, returning the overplus, if any shall be; and in case sufficient distress cannot be found to satisfy the same, then to apprehend the body of such person so convicted, and deliver him to the keeper of the house of correction, there to remain without bail or mainprize for the space of six months, and to be kept to hard labour, and whipt once a week, unless he sooner pays the sum mentioned in such warrant.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the trustees of the flaxen and hempen manufactures of this kingdom, or any five or more of them, to administer an oath to such person or persons, as shall complain unto them against any itinerant man, hemp or flax-man, or other person or persons employed by the said trustees in the execution of their said trust; and likewise to tender and administer an oath to the witnesses on either side produced, in order to the said trustees, or any five or more of them, making a determination upon the matter of such complaint; and also, that it shall and may be lawful to and for the said trustees, or any five or more of them, on hearing the matter of such complaint, to impose a fine on such person or persons employed by them according to their discretion, so as the same exceed not for any one offence the sum of forty shillings; to be applied to the use of the party or parties complaining; and in case such fine be not paid by the said offender at a time to be appointed by the said trustees, or any five or more of them, then the said offender may be sent to the house of correction, by warrant under the hands and seals of the said trustees, or any five or more of them, there to be kept without bail or mainprize at hard labour for any time not exceeding one calendar month.

XIV. And

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XIV. And be it further enacted by the authority aforesaid, That all offences against this act shall be heard and finally determined by any one or more justice or justices of the peace, or chief magistrate, within their respective jurisdictions, who, upon complaint to him or them made, shall upon examination of witnesses upon oath, (which oath they are respectively hereby empowered to administer,) adjudge and determine the same, and issue his or their warrant to any one or more of the constables of the said county, city, or town, requiring and empowering him or them by distress and sale of the offenders goods (the overplus whereof shall be rendered to the owners) to levy the respective penalties by them incurred; which, when levied, shall belong and be paid to the informers, or such other person or persons, as are herein before particularly mentioned to be intitled to the same respectively, first deducting thereout the sum of one shilling, to be paid to the constable for executing such warrant.

9 Anne 3. XV. And whereas by an act passed in the ninth year of the reign of her late Majesty Queen Anne, intituled, *An act to enforce such acts, as have been made for the improvement of the linnen manufacture, and for a further regulation of the same*, an additional duty of one shilling and six pence per yard was laid upon all white, painted, and stained callicoes, and six pence per yard upon all linnens, which should be imported into this kingdom at any time within the space of seven years, commencing from the end of the then next session of Parliament, and from the expiration of the said term of seven years to the end of the next session of Parliament ensuing; which duty was further continued by an act passed in the second year of his Majesty's reign, intituled, *An act for continuing the encouragement given by former acts of Parliament to the flaxen and hempen manufactures; and for the further improvement and regulation of the same*, during the remainder of the said first term of seven years, and also during the further term of seven years, from the expiration of the former term of seven years, and from thence to the end of the session of Parliament then next following, and is fit to be continued: be it further enacted by the authority aforesaid, That the said additional rate or duty of one shilling and six pence for every yard of such white, painted, and stained callicoe, and six pence for every yard of any sort of linnen, shall be and continue due and payable to his Majesty, his heirs and successors, for all such white, painted, and stained callicoes and linnen, which shall be imported into this kingdom, (except it be of the growth or manufacture of Great-Britain) for and during the term of seven years, to be computed from the twenty fifth day of December in the year of our Lord one thousand seven hundred and twenty three, and from thence to the end of the session of Parliament then next following; which said duties shall be applied to the uses and for the encouragement of the hempen and flaxen manufactures in this kingdom, and be subject to the disposal, order, and management of the trustees appointed for encouraging the hempen and flaxen manufactures of this kingdom.

2 G. I. 13.  
Act. 3.

XVI. And whereas by the said last recited act made in the second year of his present Majesty's reign, it is among other things enacted, " That any person or persons, who should export out of this kingdom any good sail cloth, well and sufficiently made, to any parts beyond the seas, at any time within the space of ten years next after the twenty fourth day of December one thousand seven hundred and sixteen, should receive as a premium for every yard of sail cloth, made of sound and good hemp of ten pence per yard value, and under fourteen pence per yard, or upwards, so exported, the sum of two pence; for every yard of main sail or course canvas made of Holland duck, of the value of fourteen pence per yard or upwards, so exported, the sum of four pence *sterl.* and after the expiration of the term of ten years, that from thence during the further term of eleven years, any person or persons so exporting such sail cloth should receive as a premium for every yard of such sail cloth of ten pence per yard value, and under fourteen pence so exported, the sum of one

" penny "

“ penny; and for every yard of such main sail or course canvas made in imitation of Holland duck, of the value of fourteen pence *per* yard, or upwards, so exported, the sum of two pence *sterl.* to be paid by such officer or officers, and in such manner as drawbacks are usually paid; the exporter of such cloth, or any other person or persons, first making oath, that the said cloth is according to the best of his knowledge and belief made of hemp of the growth of this kingdom; and that such sail-cloth was never before exported, nor any debenture issued out, or premium paid for the same,” which said act has not hitherto been sufficient to encourage the setting up and establishing the hempen manufacture in this kingdom: be it enacted by the authority aforesaid; That the said premium of two pence for the cheaper, and four pence for main sail, canvas, which by the said former act were given for the term of ten years, shall be and are hereby continued for eight years longer, to be computed from the end and determination of the said recited term of ten years; and that the said recited term of eleven years, for which the said premiums of one penny for the cheaper sort, and two pence for main sail canvas were given, shall commence from the end and determination of the said eight years, and continue from thence for and during the term of eleven years; subject nevertheless to the same rules, limitations, restrictions, and directions, as in and by the said statute of the second year of his present Majesty’s reign are mentioned; directed, and expressed.

XVII. And be it further enacted by the authority aforesaid, That any person or persons, who shall hereafter make, or cause to be made, any sail-cloth of Irish hemp into any main sails or top sails for the use or furniture of any ship or ships, upon the making such oath as is mentioned in the said statute of the second year of the reign of his present Majesty, and upon a further affidavit of the sail-maker, to be made before the same officer, before whom the said other oath is to be taken, who is hereby empowered to administer an oath for that purpose, of his having cut and made such sail-cloth into sails, shall have, be paid, and be intitled unto the like premiums, and to be paid in like manner for each yard of such-sail cloth, as by the said act of the second year of his present Majesty, and hereby, is granted, directed, and appointed, for sail-cloth exported.

XVIII. And be it enacted by the authority aforesaid, That at the time of pulling the female or she hemp, no male hemp shall be pulled therewith, or mixed one with the other, either in watering, dressing, or for sale, under the penalty of five shillings *per* hundred weight, and so in proportion for any greater or lesser quantity, to be paid by the owner or owners of such hemp; and no hemp shall be watered or steeped in bogs or moss-pits, but in loughs or pools drawn from rivers or brooks; and there to remain until sufficiently watered, and not laid or spread on grass, or abroad, any longer time than to dry, and make the same fit to stack or house, in such manner as the person or persons, appointed for that purpose by the said trustees of the hempen and flaxen manufactures of this kingdom, shall appoint or approve of, under the like penalty of five shillings *per* hundred weight, and so in proportion for any greater or lesser quantity; to be recovered by civil bill to the use of the informer.

XIX. And whereas the business of the said trustees and of their clerk is of late very much increased: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to order and allow the said clerk, officiating by himself and not by a deputy, any further sum or increase of salary not exceeding one hundred pounds *per annum*, as they shall think meet.

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## C H A P. III.

*An Act for continuing and amending an act, intituled, An act for the better regulating the parish-watches, and amending the high ways in this kingdom; and for the preventing the misapplication of publick money: and also for establishing a regular watch in the city of Dublin; and to prevent mischiefs which may happen by graving ships in the river Liffy.*

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the liberties.

**W**HEREAS the keeping a strong and regular watch in the night time, in the several cities, burroughs, towns corporate, parishes, and other places in the several counties of this kingdom, is of great importance for the preservation of the persons and properties of the inhabitants within the same, and will be the most likely means to prevent murders, burglaries, robberies, felonies, and other outrageous misdemeanors, which are committed in the night time within the said cities, burroughs, towns corporate, and other places, more frequently than heretofore: and whereas an act made for prevention of such disorders, and passed in this Parliament in the sixth year of his Majesty's reign, intituled, *An act for the better regulating of parish watches, and amending the high ways in this kingdom: and for preventing the misapplication of publick money*, hath been found to be of great advantage to this kingdom, and was continued by one other act made in the eighth year of his Majesty's reign, which is near expiring; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said act, and all and every clause, article, and proviso therein contained, so far as the same relates to any county, counties of cities, burroughs, towns corporate, and other places in the several counties in this kingdom, other than what relates to and may concern the parish-watches of the city of Dublin, and liberties of the said city, and liberties thereto adjoining, shall continue and be in full force for ever.

Necessity of  
a strong regu-  
lar watch in  
Dublin and  
the liberties.

On 3d Sun-  
day in Febru-  
ary yearly, no-  
tice of vestry

**II.** And whereas, by reason of the great concourse of people from all parts of this kingdom to the city of Dublin, it is absolutely necessary, That a strong and regular watch should every night be kept within every parish of the said city and liberties thereof and thereto adjoining: to the end therefore that such watch may for ever hereafter be kept in the night time within the said city and liberties, be it enacted by the authority aforesaid, That on the third Sunday in February in every year notice shall be given in each parish-church of the said city and liberties by the minister, who



who shall officiate in the said parish-church, that on some certain day in the following week a vestry or meeting of the parishioners will be held in order to settle the watch in that parish; at which day of meeting the parishioners, or the major part of them, so assembled, shall nominate nine of the parishioners of the said parish of good substance to be supervisors and directors of the said watches; who, or any five of them, shall, within fourteen days after their being so chosen, by writing under their hands ascertain the number of watch-houses, constables, and watch-men, fit and proper to be kept in such parish or parishes respectively, from the twenty fifth day of March then next ensuing for and until the twenty fifth day of March in the year following, and at what places and stands it is fit for the said watch-houses, constables, and watchmen to be placed; and how often it is fit for them to go the rounds, how the watchmen shall be armed, and what wages or salaries are reasonable to be allowed each watchman for their attendance, and shall make and publish such further rules and orders for the better regulating the constables and watchmen of such parish, as to them, or any five of them, shall seem reasonable for the better regulating the watch of such parish; and shall also from time to time nominate and appoint for watchmen such persons, who shall in their judgment not only be honest men and protestants, but able of body and fit to be entrusted to do the said service; which persons, so nominated by them as aforesaid, shall be the watchmen of the said parish or parishes respectively; and in case any, of the said supervisors or directors, so nominated and appointed, shall refuse to act, or after accepting such office shall dye, or remove out of the said parish, upon notice given thereof to the minister or curate of the said parish such minister or curate shall and is hereby required on the next Sunday after such notice to publish and declare, that on some certain day in the following week a vestry or meeting of the parishioners will be held, in order to elect one or more person or persons in the room or stead of him or them, who shall so refuse to act, or shall dye, or quit the said parish; and the parishioners shall and are hereby required at such vestry or meeting of the parishioners, to be appointed for that purpose, to name one or more of the parishioners of good substance in the room or place of such person or persons so refusing to act, or that shall dye, or leave the said parish, to the intent that the number of nine of the said parishioners shall be always ready to make such appointment of watchmen, and such rules and regulations, in manner as herein and hereby is directed and appointed; which rules and regulations so to be made by the said directors and overseers, or any five of them, in each respective parish

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in next week shall be given in each parish church of Dublin and liberties, majority of parishioners to name 9 of good substance, supervisors, 5 of whom in 14 days shall by writing ascertain number of watch-houses, &c. for 1 year from 25 March; and the stands, rounds, arms and wages, and to make rules, and appoint honest able protestants watchmen.

On any supervisor's refusal to act, death or removal, on notice the minister next Sunday to publish a vestry, when parishioners shall name another, so that 9 shall be always ready.

The rules shall be observed by con-

**A. D.** parish as aforesaid, shall be the rules, orders, and regulations to be observed by the several constables and watchmen in such parishes, and shall be printed together with the names of such constables and watchmen, and publickly posted up in each watch-house, and on the door thereof, one of which shall also be returned to the lord mayor for the time being, to the end he may thereby be enabled to punish the said constables and watchmen for neglect of his or their duty, and not conforming to the said rules and orders; and in case any of the said watchmen so nominated or appointed shall dye, or be removed, or quit such service, the said supervisors or directors of the watch, or any five of them, shall and are hereby required upon notice given them thereof by the constables of the said parish, or any of them, within ten days after such notice to name one or more watchman or watchmen in the stead or place of him or them so dying, removed, or quitting such service, to the end the number of watchmen may be always kept compleat and full.

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constables and watchmen, and with their names printed and posted in each watch-house, and on the door;

one to be returned to lord mayor, to punish for neglect.

If watchmen dye, &c. supervisors in 10 days after notice by constables shall name others.

Constables in turn shall set their watch at 10 till 6, from Michaelmas: at 1 till 5, from Lady day.

Penalty on constable for neglect 10 s. by distress on warrant.

Church-wardens, &c. on Easter Tuesday yearly, to meet at 11, and chuse constables, housekeepers in the parish: their names returned in 6 days to lord mayor,

**III.** And be it further enacted by the authority aforesaid, That the said watchmen in the night time shall be under the controul and inspection of the said supervisors or directors of the watch, and the constables of the respective parishes, which said constables in their turns are hereby required to set and place their watch at ten of the clock in the night exactly, and to continue their watch till six in the morning, from Michaelmas day until Lady day, and from Lady day until Michaelmas day in every year at eleven a clock, and to continue their watch till five in the morning: and in case any constable or deputy, whose turn it is to take care of the watch, shall be guilty of any neglect therein, such constable or deputy shall for every such offence forfeit the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal of some justice of the peace, returning the overplus, if any shall be, and shall be applied in manner, as herein after is mentioned and directed, with relation to the penalties inflicted upon constables for other neglects of their duty.

**IV.** And to the intent that good and sufficient housekeepers may from time to time be appointed constables, and such persons, when chosen, may be obliged to act and do their duty; be it further enacted by the authority aforesaid, That the church-wardens and parishioners of each parish shall, and they are hereby required to, assemble every year on Tuesday in Easter-week at the hour of eleven a clock in the morning in the church or vestry-room of such parish, and then and there the said church-wardens and parishioners, or the major part of them, so assembled, shall elect and chuse a sufficient number of fit and able persons inhabiting

habiting within the said parish, who shall be housekeepers in the A. D. parishes where chosen, to be constables for one year from the 1723. first of June in each year; the names of which persons so elect- Chap. 3. ed shall by the church-wardens of each respective parish, within six days after such election, be returned to the lord mayor of the city of Dublin for the time being, who is hereby required to swear such person or persons so elected into the said office of constable on or before the said first of June in each year, if some reasonable cause is not assigned, to be allowed of by the said lord mayor and two of the aldermen, for not doing thereof, and in such case as soon after as conveniently the same may be done, in case he and they shall see no sufficient reason to disapprove the said persons, or any of them, whose names shall be so returned; and in case any person or persons, who shall be named or chosen, in manner as is hereby directed, to be constable or constables, shall be disapproved of as aforesaid, then upon notice given to the minister or curate and church-wardens of such parish by the lord mayor for the time being, the said minister or curate shall, on the next Sunday after such notice publish in church, that there will be a meeting of the church-wardens and parishioners on some day in the following week for the election of a constable; which said church-wardens and parishioners are hereby required to meet on the said day, and then and there they, or the major part of them, so assembled shall elect and return one or more person or persons, fit to serve in the said office, in the stead or place of him or them so disapproved of, to the said lord mayor for the time being, and so *toties quoties* until fit and proper persons shall be so approved of for constables; and in case any of the said constables so approved of shall, before he or they shall be sworn into such office, or after they have been sworn and taken such office upon them, dye or quit such parish, or be otherwise rendered incapable of service, then and in such cases upon notice given thereof by the said supervisors or directors of the watch to the minister or curate and church-wardens of such parish, the said minister or curate, shall on the next Sunday after such notice publish in church, that there will be a meeting of the church-wardens and parishioners on some day in the following week for the election of a constable; which said church-wardens and parishioners are hereby required to meet on the said day, who, or the major part of them, so assembled shall return one or more person or persons to serve in the said office or offices in the stead or place of him or them so dying, or shall quit such parish, or shall be otherwise rendered incapable to serve, to the said lord mayor for the time being, and so *toties quoties*, till a fit person be approved of, who after such approbation

and sworn,

unless on reasonable cause allowed by lord mayor and 2 aldermen;

if disapproved of, and notice thereof to the minister, church-wardens, &c. shall elect others and return to lord mayor, and so *toties quoties*.

3 G. 2. 13. altered,

on notice by supervisors of constables dying, &c. church-wardens, &c. shall next week meet, and elect and return others as aforesaid.

**A. D. 1723.** Chap. 3. bation as aforesaid shall be sworn into the said office by the lord mayor for the time being, within the time herein before directed, or within ten days after such approbation; and in case any person so elected, returned, and approved of for constable, shall not appear upon a summons in writing left at his house within three days after such notice, or in case he doth appear, and shall refuse to take the oath of office of constable to act therein by himself, or to find a sufficient deputy, who shall be an inhabitant and live within the said parish, and be also approved of by the lord mayor of the said city for the time being as aforesaid, such person or persons not appearing, or so refusing to act, or find a sufficient deputy to be approved of as aforesaid, shall forfeit the sum of five pounds, to be levied by warrant of distress under the hand and seal of the lord mayor of the said city, and sale of the goods of the person so offending, rendering the overplus to the owner; which forfeiture, when levied, shall be paid to the supervisors or directors of the watch, and go to and be applied for the finding a deputy to be chosen by the major part of the parishioners of the parish assembled for that purpose, and to be approved of by the lord mayor for the time being as aforesaid.

such constables not appearing, or refusing to act, or find sufficient deputy,

penalty 5 l.

to supervisors, for a deputy chosen by parishioners and approved by lord mayor.

Papists, innkeepers, &c. not qualified,

if chosen, shall find protestants to serve,

or pay, not above 5 l. towards finding another.

Esquires, half-pay officers, aldermen, &c. not obliged thereto.

Constable to leave with lord mayor memorandum of residence;

V. Provided always, That no person or persons keeping public inns, ale-houses, or houses of entertainment, or papists, shall be qualified to act in their persons as constables; but in case any such shall be chosen in their turn to serve as constables as aforesaid, such person or persons so chosen shall find some fit person or persons, who shall be protestants, to serve in his or their room, to be approved of by the lord mayor, and two of the aldermen as aforesaid, or pay as a fine a sum not exceeding the sum of five pounds respectively, to be ascertained by the lord mayor for the time being, to enable the parishioners, or the major part of them assembled for that purpose, to find a fit person in the stead of each of them, who shall be so chosen to serve as constables; which sums shall be levied and recovered by distress and sale of the offenders goods in manner aforesaid, and be applied as aforesaid.

VI. Provided also, That no person or persons shall be obliged to serve or fine, who are of the degree of an esquire, or above, or half-pay Officers, or such who are aldermen, deputy-aldermen, or have served as one of the sheriffs of the said city, or paid a fine for not serving in the said office as sheriff.

VII. And be it further enacted by the authority aforesaid, That every constable, who shall be so sworn into the said office, shall leave with the lord mayor of the city of Dublin a memorandum in writing of the house or place, he dwells or resides at, within the said parish: and to the intent the inhabitants may also know his

his and their place of residence, every such constable shall nail A. D. up in view at their respective doors a short constable-staff, or 1723. paint the figure of such staff, against the house they inhabit; Chap. 3. and in case any such constable shall neglect or refuse so to do, every such constable shall forfeit the sum of forty shillings, to be levied by warrant of distress, under the hand and seal of the lord mayor of the said city for the time being, and sale of the goods of the persons so offending, rendring the overplus to the owner; which forfeiture, when levied, shall go to and be applied, one moiety to the use of the informer, the other moiety to the use of the poor of the parish, where such constable resides and inhabits.

and nail or paint a short staff at his house: Penalty 40s. to the poor and informer.

VIII. And be it further enacted by the authority aforesaid, That the constables of every parish respectively, the morning after he or they come off the watch, shall make a return signed by them respectively to the lord mayor of the said city, and also to the said supervisors or directors of the watch, of the behaviour of the several watchmen, and the condition of the watch the night before, with the names of those that absented themselves, when the watch was sett, and how long each watchman continued on the watch, and whether any of the said watchmen lost their poles or lanthorns, or were drunk, to the end satisfaction may be made to the parish out of the salary or wages of such watchmen, and that they may be punished for neglect of duty, as also return to the said lord mayor for the time being the names of such persons, as they shall respectively take into their custody for any irregularities, and how such prisoners were disposed of, upon forfeiture of ten shillings for such neglect, to be recovered in manner as is herein before directed, and to be disposed of, one moiety to the use of the informer, the other moiety to the poor of the parish.

Constables to make return of behaviour and condition of the watch, and of prisoners, on pain of 10 s.

Watchmen for neglect shall make satisfaction out of wages.

IX. And to the intent that a sufficient support and maintenance may be had for the watchmen, and likewise that watch-coats, staves, lanthorns, and necessary fire and candle for the aforesaid purpose of watching, may be provided for every and each of them: be it enacted by the authority aforesaid, That all and every the houses within the said city of Dublin, and liberties thereof, shall pay and are hereby charged with the sum of six pence for every pound of the yearly value of every such house or houses, as the valuations are returned for the collection of ministers money; and where there is no valuation for the minister, and until a valuation shall be had, the said houses shall pay six pence in the pound according to the rent payable by the tenants in possession; and in case such rent is only a ground rent, then according to that rent the said house might reasonably set for to a solvent

Every house shall pay 6 d. per l. of the yearly value, as the minister's money valued, &c.

A. D. vent tenant; such rent to be ascertained by four of the parishioners, to be named by the church-wardens; which said six pence 1723. Chap. 3. *per* pound, shall from and after the said twenty fifth day of March one thousand seven hundred and twenty four be a charge upon the inhabitants of every such house or houses, and shall be levied, raised, and accounted for by the church-wardens of the respective parishes, and in places *extra parochial* by the church-wardens of the adjoining parish, at such time, in such manner, with such powers, and under such penalties, as the ministers money in the said city is levied by a statute made in this kingdom in the seventeenth and eighteenth years of the reign of King Charles the second, intituled, *An act for provision of ministers in cities, corporate towns, and making the church of Saint Andrew's in the city of Dublin presentative for ever*: and shall be by them respectively paid and applied to the several uses the same is payable by virtue of this act; which charge of six pence in the pound on the several houses in the said city and liberties aforesaid shall and is hereby declared to be a discharge to the several housekeepers of the said city from watching in person, or sending an able person to watch in his, her, or their stead; any law, custom, or usage, to the contrary notwithstanding.

and levied  
by church-  
wardens,

as by 17 &  
18 C. 2. 7.

Said charge  
a discharge to  
the house-  
keepers from  
watching in  
person or  
sending.

Houses,  
without fine,  
&c. let at less  
rent than the  
valuation by  
17 and 18 C.  
2. 7. chargea-  
ble only ac-  
cording to  
rent payable.

X. Provided always, That in case any of the said houses within the said city of Dublin, and liberties thereof, which have heretofore been valued pursuant to the aforesaid statute made in the seventeenth and eighteenth years of the reign of King Charles the second, shall really and *bona fide*, without fine or other consideration (save the rent reserved) be set or let at a less rent, than such house or houses are respectively valued at by the valuation returned for the collection of ministers money; then and in such case such house or houses shall be only chargeable with the payment of six pence in the pound according to the rent payable by the tenants in possession, and not according to the valuation so returned as aforesaid; any thing herein contained to the contrary notwithstanding.

Tenant in  
possession,  
making affida-  
vit of the rent  
really paid,  
and whether a  
fine, &c.

XI. And to the intent the rent payable by the tenant or tenants in possession of such house or houses may be truly known, be it further enacted by the authority aforesaid, That such tenant in possession claiming the benefit of such allowance shall, before the same be so allowed, make affidavit before the lord mayor, or some other of the justices of the peace of the said city, of the rent he really and *bona fide* pays, and whether any fine or other consideration was paid or given upon obtaining such lease.

Church-  
wardens every  
six months  
shall account  
on oath to su-  
pervisors for

XII. And be it further enacted by the authority aforesaid, That the church-wardens of the said several and respective parishes shall at the end of every six months lay before the supervisors or directors

directors of the watch, or any five of them, upon oath, an account of the produce of the said respective sums of money charged as aforesaid, and by them received, and pay the same into the hands of such person or persons, as by the said supervisors or directors, or any five of them, shall be nominated and appointed; and the said supervisors and directors shall apply the same to the several uses by this act directed and appointed; and the said supervisors or directors shall every year cause their accounts to be fairly transcribed and entered in the vestry-book of the said parish; and in case such church-warden or church-wardens shall forswear himself or themselves in giving in such account, and be thereof lawfully convicted, he or they shall incur the same penalties, as a person convicted of wilful perjury at common law.

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the sums received;

Supervisors shall yearly enter accounts in vestry book.

Church-wardens punishable for perjury, as at common law.

XIII. And be it further enacted by the authority aforesaid, That if any watchman shall quit his station allotted to him, or shall in any other respect absent himself from his duty, or fail therein contrary to the said rules, without some reasonable cause for so doing, to be allowed of by the lord-mayor for the time being, or some other justice of the peace of the said city, to whom complaint shall be made, or shall go into any ale-house or cellar to drink, or be found drunk on the watch, such watchman or watchmen respectively shall, upon due proof thereof to be made before such lord-mayor or justice of the peace by the oath of one or more credible witness or witnesses (which oath the said lord-mayor or justice of the peace is hereby impowered to administer) for each offence forfeit the sum of five shillings, to be deducted out of his or their salary or wages; which sum shall go to such person or persons, who shall inform, or otherwise such offender shall be publicly whipt at the discretion of the said lord-mayor or justice of the peace, who shall thereupon issue a warrant under his hand and seal for that purpose: and in case any constable or constables shall neglect or fail in his or their duty contrary to this act, or to such rules or orders as shall be made by the supervisors or directors of such parish respectively, without some reasonable cause for so doing, to be allowed of by the lord-mayor, such constable or constables shall respectively forfeit the sum of twenty shillings, to be levied by distress and sale of the goods of the constable or constables so offending, by warrant under the hand and seal of the said lord-mayor as aforesaid; which sum when levied shall be paid to the informer.

Watchman failing in duty, going to ale-house, or drunk on watch, forfeits 5 s. to informer, or to be whipt.

Constable failing forfeits 20 s. to informer.

XIV. And be it further enacted by the authority aforesaid, That in case it shall be found necessary, that more watch-houses should be erected in any parish, than are at present established, the grand jury for the county of the city of Dublin shall at their quarter-sessions raise such sum or sums of money for erecting such

If more watch-houses necessary, grand jury for Dublin shall raise money at sessions on the parishioners.

A. D. watch-house or watch-houses, as by them shall be thought reasonable, to be raised and levied upon the parishioners of their respective parishes, where such watch-house or watch-houses shall be so erected.

Church-wardens discharged from the 6 d. *per* pound.

none obliged to serve as constable in same parish where he formerly served.

11 G. 2. 13. extended to liberties of St. Patrick's Close.

In the Liberties the inhabitants shall keep watch and ward in turn ;

and constables in February yearly shall return on oath a list to register of court-leet of all inhabitants ; who, in order as named, shall watch for one year as seneschal appoints.

Constable in the morning shall warn the persons to watch ;

and set the watch at 11 till 5, from 25 March : from 10 till 6, from 29 Sept. and stay with them.

XV. Provided always, That the church-wardens of each parish within the said city of Dublin shall be discharged, during the time of their continuance in such their office, from payment of the said sum of six pence *per* pound charged on their respective houses, in which they dwell ; and also, that no person shall be obliged to serve as constable by virtue of this act in the same parish, wherein he hath formerly served as constable ; any thing herein before contained to the contrary notwithstanding.

XVI. And for the better regulating the watches within the respective mannors or liberties of Saint Sepulchre's, Thomas-court, and Donore, be it enacted by the authority aforesaid, That from and after the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty four, the several inhabitants within the said liberties, who are able and fit to watch, or to find watchmen, shall in their respective turns in person, or by some other sufficient person to be sent or appointed by them, whose turn it is to watch, keep watch and ward within the said respective liberties wherein he, she, or they, shall inhabit or reside ; and that the constables of such mannor or liberties respectively shall in the month of February in every year make and return upon oath a full, true, and perfect list of all such inhabitants within the said several and respective mannors or liberties to the register of the court-leet of such respective mannors ; which persons so returned shall be the persons to keep watch and ward within the said mannors or liberties respectively from the twenty fifth day of March for one year from thence next ensuing, in such order as the said persons are named in such returns, and in such numbers for each night as the respective seneschals or their deputies by writing under their hands and seals respectively shall from time to time limit and appoint ; and that the constable on the morning of the day before his watch-night, or some person by him appointed, who can make affidavit of the service, do warn every person, that is to watch with him that night, or leave notice thereof in writing at the house of every such person ; which watch shall be set and placed by the constable from the twenty fifth day of March to the twenty ninth day of September at the hour of eleven every night, and continue till five in the morning ; and from the twenty ninth of September to the twenty fifth of March in every year from the hour of ten to the hour of six in the morning, during which time the constable shall stay and continue with his watchmen ; and in case



Case any constable shall make default in returning the names of A. D. such inhabitants and house-keepers, who are able and fit to watch, 1723. or to find watchmen, such constable shall forfeit the sum of five Chap. 3. pounds; and in case he shall make default in any other of the premisses, such constable shall forfeit the sum of twenty shillings: Constable not returning names forfeits 5 l. for other default 20 s. and if any person appointed and warned to watch, or to find an able and fit person to watch in his or her stead as aforesaid, shall refuse or make default to watch, or to find an able and fit person to watch in his or her stead as aforesaid, then every such person refusing or making default to watch as aforesaid, and not having just and reasonable cause for such his default, to be allowed by the respective seneschals of such mannor or liberty where such default shall be made, or their deputies, shall forfeit and pay for every such offence a sum not exceeding one shilling, at the discretion of such seneschal or his deputy; and if any person, appointed and warned to watch, shall appear at the respective hours hereby directed and appointed in person, or by an able and fit person to watch in his or her stead, and after appearing such person shall quit the station allotted him, or absent himself from his duty, without some reasonable cause for his so doing, to be allowed of by the seneschal or his deputy of the mannor or liberty, where such default is made, or shall go into any alehouse or cellar to drink, or be found drunk upon the watch, every person so offending shall forfeit a sum not exceeding five shillings, or be publicly whipt, at the discretion of the said seneschal or his deputy: all which forfeitures hereby forfeited by the said constables, inhabitants, or housekeepers as aforesaid, and watchmen, within the said manors or liberties, shall respectively be recovered before the seneschal, or his deputy, of such mannor or liberty, where the offence shall be committed, upon proof thereof made before such seneschal or his deputy by the oath of one or more witnesses or witnesses, which oath the said seneschal or his deputy is hereby impowered to administer; and, in case of conviction, the same to be levied by warrant of distress under the hand and seal of such seneschal, or his deputy, and sale of the goods of the person so offending, rendring the overplus to the owner; which forfeitures, when levied, shall go to and be applied in providing able and sufficient watchmen, to watch in the stead or place of such as shall absent themselves, to the end the number of the watchmen in the said liberties respectively may be each night compleat.

Persons warned refusing to watch, or to find one, without just cause allowed by seneschal, penalty 1 s. each offence:

quitting station, absent without just cause, going to ale-house, or found drunk, penalty 5 s. or to be whipt.

All said forfeitures before seneschal,

levied by distress,

applied to keep the number of watchmen in the liberties compleat.

XVII. And whereas, great numbers of idle and vagrant persons do daily resort from the country to the city of Dublin and suburbs thereof, who, by reason of the correspondence they generally keep with the beadles of the several parishes, and the neglect of such

Neglect of beadles in permitting beggars in Dublin. 1 G. 2. 27. 3 G. 2. 17. 23 G. 2. 11.

A. D. 1723. such bea-  
 Chap. 3. dles in the performance of their duty, are permitted to beg in and throughout this city : be it enacted by the authority  
 of the city of Dublin, two aldermen, and one of the sheriffs, with-  
 in the said city, and liberties within the same, and for the re-  
 spective seneschals of the said mannors or liberties of Saint Sepul-  
 chre's, Thomas-court, and Donore, from time to time to make  
 such rules, orders, and regulations, to be observed by the bea-  
 dles of such parishes within their respective jurisdictions, for clear-  
 ing the said city and suburbs, and liberties aforesaid, of sturdy,  
 idle, and vagrant beggars, and inflict pecuniary penalties, not  
 exceeding ten shillings, for the breach of any such by-law, on  
 such beadle ; to be levied by distress and sale of the goods of the  
 offender by warrant under the hand and seal of some justice of  
 the peace within the said city, and liberties within the same, and  
 of the respective seneschals of the said mannors or liberties of  
 faint Sepulchre's, Thomas-court, and Donore, returning the over-  
 plus (if any shall be) and in default of payment and of sufficient  
 distress, then such offender by like warrants respectively to be  
 sent to the house of correction, to be kept at hard labour for  
 such space of time, as shall be thought proper, not exceeding forty  
 eight hours.

Lord-may-  
 or, &c. may  
 make rules for  
 bea-  
 dles to  
 clear the city,  
 &c. of beg-  
 gars, and in-  
 flict 10 s. for  
 breach :

in default  
 of payment  
 and distress,  
 may send to  
 house of cor-  
 rection 48  
 hours.

Such rules  
 printed and  
 posted at door  
 of the church,  
 to take place  
 in 10 days.

For settling  
 parish cesses  
 in Dublin,  
 church-  
 wardens and  
 parishioners,  
 at least 13, or  
 major part  
 shall applot  
 cesses accord-  
 ing to value  
 of houses as  
 to minister's  
 money ; or, if  
 no valuation,  
 to the rent  
 paid ; or, if  
 only ground  
 rent, such as  
 might be paid  
 by solvent te-  
 nant, ascer-  
 tained by 4  
 parishioners.

XVIII. Provided nevertheless, That such rules or orders, to be made in pursuance hereof, be printed and posted up upon the door of the parish church of every parish, wherein the same are to take place, by the space of ten days before the same be put in execution.

XIX. And whereas there is no regular method settled within the city of Dublin, and suburbs or liberties thereunto adjoining, for applotting the money to be raised on the several parishes for paying the cesses and publick taxes charged on the said city and liberties : be it enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty four at all meetings, to be held for all and every of the said parishes for applotting the parish-cesses and publick taxes laid in such parishes respectively, the church-wardens and parishioners of each parish respectively, being at least thirteen in number, or the greater part of them so assembled, shall make their applotments for the said cesses and publick taxes upon each and every inhabitant of the said parish or parishes according to the value of the houses of each inhabitant, as the same are valued to pay ministers money ; and where there is no valuation for the minister, and until a valuation shall be had, such inhabitant shall pay according to the rent payable by the tenant in possession ; and in case such a rent is only a ground-  
 rent,

rent, then according to the rent the said house might reasonably be set for to a solvent tenant; such rent to be ascertained by four of the parishioners to be named by the church-wardens; which money, so to be apportioned, from and after the twenty fifth day of March one thousand seven hundred and twenty four shall be a charge on the inhabitant of every such house and houses, and shall be levied, raised, and accounted for, by the constable or officers, that usually collect and receive the same, in such manner, and with such powers, as the said taxes have heretofore been levied and accounted for.

XX. Provided always, That in case any of the said houses within the said city of Dublin, and suburbs or liberties thereunto adjoining, which have heretofore been valued pursuant to the aforesaid statute made in the seventeenth and eighteenth years of the reign of King Charles the second, shall really and *bona fide*, without fine or other consideration (save the rent reserved) be set or let at a less rent, than such house or houses are respectively valued at by the valuation returned for the collection of ministers money; then and in such case such house or houses shall be only chargeable according to the rent payable by the tenant in possession, and not according to the valuation so returned as aforesaid; any thing herein contained to the contrary notwithstanding.

Houses, let without fine, &c. at less rent than the valuation by 17 & 18 C. 2. 7. chargeable only by the rent paid;

XXI. And that the rent, payable by the tenant or tenants in possession of such house or houses, may be duly known, be it further enacted by the authority aforesaid, That such tenant in possession, claiming the benefit of such allowance, shall, before the same be so allowed, make affidavit before the lord-mayor, or some other justice of the peace, of the said city, or within the said liberties before the seneschal of the liberty, where such house is situated, of the rent he really and *bona fide* pays, and whether any fine or other consideration was paid or given upon obtaining such lease.

Tenant making affidavit thereof.

XXII. Provided also, That nothing herein contained shall extend to exempt any lands or tenements within the said parishes, or any of them, from payment of such proportion of the cesses or publick taxes, as they are by law liable to; any thing herein contained to the contrary notwithstanding.

Not to exempt from payment of such proportion as by law liable to.

XXIII. And whereas by the late improvement of the channel of the river Liffy, which flows through the city of Dublin, ships and gabbarts can now come up and lie in the said river close to the keys of the said city, which are for the most part built and inhabited: and whereas at low water the sailors on board such ships do frequently make great fires of furz and other combustible materials close to the said keys, and near other ships

Danger from graving ships in river Liffy.

N. B. it is doubtful on the several acts continuing this law, whether the following part be now

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B b

lying

A. D. 1723. Chap. 3. lying in the said river to grave and careen their ships, to the apparent danger not only of the ships in the river, and the goods and merchandizes on board them, but also of the dwellings and houses of the inhabitants of the said city lying near the said keys : for remedy whereof, be it enacted by the authority aforesaid, That from and after the first day of March in the year of our Lord one thousand seven hundred and twenty three no ship-carpenter, master, or sailor belonging to any ship or ships, or any other person or persons whatsoever, shall grave or careen any ship, gabbart, or boat, so as any fire be lighted about them, or any of them, to glaze their or any of their bottoms, or make any fire to boil or melt pitch, tarr, rozin, tallow, or other combustible materials for dressing any ship, gabbart, or boat, or for heating or burning any plank at any place in the said river between the bridge, commonly called Bloody-bridge, and the Slipp, commonly called the Ferry-slipp, at the end of the key called the Batchelors-walk, and that from the said Slipp called the Ferry-slipp, to the river called Dodeer *alias* Donebrook, no ship, gabbart, or boat, shall be careened or graved as aforesaid at any place within thirty yards of any house, or other ship, gabbart, or boat lying at anchor, ships boats excepted, or any fire made to boil or melt any pitch, tarr, or any other combustible materials as aforesaid, or for heating or burning plank at any place within ten yards of any house, ship, gabbart, or boat, lying at anchor as aforesaid ; and in case any person or persons shall offend contrary thereto, it shall and may be lawful for any person with a constable to seize and apprehend such offender or offenders, and to carry him or them before the lord-mayor, or some other justice of the peace for the said city ; and in case it shall appear before the said lord-mayor or justice of the peace by the confession of the party, or by the oath of one or more witness or witnesses, which oath the said lord-mayor or justice of the peace is hereby impowered to administer, that the said person or persons have offended against this act, that then such offender or offenders upon conviction shall for every such offence forfeit the sum of five pounds *sterling*, one moiety to the use of the informer, the other moiety to the use of the poor of the parish : and in case such offender or offenders shall refuse to pay the said forfeiture, that then and in such case the said offender or offenders shall by the said lord-mayor or justice of the peace be committed to goal, there to remain till such forfeiture or forfeitures be satisfied and paid : but, in case of inability to pay the same, the said lord-mayor or justice may commit such offender or offenders to the house of correction, there to be kept at hard labour for any time not exceeding seven days.

*subsisting : but as it is not clear that it is expired, it was thought proper not to make the distinction of character.*

No ships, &c. shall be careened, so as any fire lighted, or pitch, &c. melted, between Bloody-bridge and Ferry-slipp ;

nor careened from Ferry-slipp to river Dodeer, within 30 yards of any house or ship at anchor, nor fire to melt pitch, &c. within ten yards.

Offender may be carried before lord-mayor or a justice ; and on conviction forfeits 5 l. to the poor and informer : or committed to goal : if not able to pay, to house of correction 7 days.

XXIV. And

XXIV. And be it further enacted by the authority aforesaid, A. D. 1723.  
That no master, or any other sailer on board any ship, gabbart, or boat, lying in the said river between the said bridge called the Bloody-bridge and the said river Dooder, *alias* Donebrook, shall make or keep any fire on board such ship or gabbart for boiling their pots or kettles, or for any other use, except candle-light, unless such ship or gabbart lye at least twenty yards distance from the keys, where houses are built; or shall hereafter be built; and in case any person shall offend herein, the master of such ship or gabbart shall forfeit the sum of forty shillings, to be recovered in manner as is before directed; and to be applied to the same use or uses.

No fire, except candle-light, on board any ship, &c. unless lying 20 yards from the keys. Penalty on master 40s.

XXV. And be it further enacted by the authority aforesaid, That whenever any ship, gabbart, or boat, shall by accident, decay, or otherwise, be sunk in any part of the said river from the said Bloody-bridge to Rings-end, if the owners of such ship, gabbart, or boat, do not remove them in six days after, the directors of the Ballast-office shall and are hereby obliged to remove such ship, gabbart, or boat so sunk, to clear the navigation of the said river; and in case the owners of such ship, gabbart, or boat, within six days after the said ship, gabbart, or boat shall be so removed, shall neglect or refuse to pay such costs and charges, as the said Ballast-office shall be put to on account thereof, that then the said directors of the Ballast-office shall and may sell the same at publick cant to the highest bidder; which sale shall be good and conclusive to all parties, and out of the money arising by such sale deduct the charge and expence, they shall be put to on account of removing such ship, gabbart, or boat, rendring the overplus to the owner.

if ships, &c. sunk in the river and not removed in six days, the Ballast-office shall remove them: and, if owners in six days pay not charges, may sell by publick cant.

XXVI. And be it further enacted by the authority aforesaid, That the directors of the Ballast-office shall on or before the twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and twenty four, place good and substantial perches at due distances on both sides of the channel between Rings-end point and Pole-begg, to direct ships and gabbarts coming up the river, and that the ballast-gabbarts shall not take up any sand or gravel below Rings-end, but in the channel, to the end the channel may be made deeper; unless the directors of the Ballast-office shall see cause, that at particular times the sand or gravel should be taken up at other places, and then the same may be done by virtue of a special order in writing from the said directors.

Perches shall be placed on both sides between Rings-end and Pole-begg:

Sand shall not be taken below Rings-end, but in the channel: unless by special order from Ballast-office.

XXVII. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted, for any thing done by virtue of or in pursuance of

General issue may be pleaded, &c. and treble costs recover-

A. D. 1723. of this act, or any of the clauses therein contained, such person and persons shall and may plead the general issue, and give this act and the special matter in evidence for his, her, or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgment shall be given against him or them upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him or them to be awarded against such plaintiff or plaintiffs; for which such defendant or defendants shall have like remedy, as in other cases where costs are given by law to defendants.

*Continuance, as to Dublin and Liberties only, 7 years, &c.*  
*Continued by 3 G. 2. 5. 11 G. 2. 13. 19 G. 2. 15. 21 G. 2. 7. 23 G. 2. 8. & by 29 G. 2. 8. for 4 years, &c. so far as it relates to parish watches and highways. and by 1 G. 3. 17. revived and continued 7 years, &c. from 1 May 1762.*

XXVIII. And be it enacted by the authority aforesaid, That so much of this act, as relates only to the city of Dublin, and the liberties thereto adjoining; shall be in force for seven years from the first day of March in the year of our Lord one thousand seven hundred and twenty three; and from thenceforth to the end of the then next session of Parliament, and no longer.

## C H A P. IV.

*An act for continuing several temporary statutes made in this kingdom, and now near expiring.*

*2 Anne 10. continued to 21 Sept. 1731, &c.*  
*Further continued by several statutes; and by 29 G. 2. 8. for 21 years, &c.*

WHEREAS in the Parliament held at Dublin the twenty first day of September in the year of our Lord one thousand seven hundred and three, in the second year of the reign of our late Sovereign Lady Queen Anne, a certain act of Parliament was made and passed, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*; which said act was made to continue only for twenty one years, and is now near expiring, but, being found to be useful, is therefore fit to be continued: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said act, and all and every clause, article, and provisoe therein contained, are hereby continued and shall be in full force to all intents and purposes, to the twenty first day of September, which shall be in the year of our Lord one thousand seven hundred and thirty one, and from thence to the end of the then next session of Parliament, and no longer.

*4 G. 1. 7. continued 7 years, &c. as to barracks and light-houses.*

II. And whereas an act passed in the fourth year of his present Majesty's reign, intituled, *An act for vesting in his Majesty, his heirs and successors, the several lands, tenements, and hereditaments, whereon the barracks in this kingdom are built, or building; or contracted for, and whereon light-houses are or shall be built, and for*

for making reasonable satisfaction to the several owners and A. D. proprietors for the same; and likewise for amending an act made 1723. in the sixth year of her late Majesty's reign, intituled, *An act Chap. 5. to prevent the disorders that may happen by the marching of soldiers, and for providing carriages for the baggage of soldiers in their march*; by which act certain powers are given to the lord lieutenant, and other chief governor or governors of this kingdom for the time being, to issue commissions under the great seal of this kingdom, to be executed and returned within the space of seven years from the twenty fifth day of December one thousand seven hundred and seventeen, with divers other powers, authorities, regulations, and provisions concerning barracks and light-houses, and the building and erecting the same, and the lands whereon the same should be built, and the making contracts for such lands, and giving recompence to the owners thereof for the same: and whereas the said act has in that respect been found useful, and to answer the ends proposed thereby, and fit to be continued; be it enacted by the authority aforesaid, That all the powers, authorities, regulations, and provisions aforesaid, and all and every article, clause, and provisoe in the said act contained concerning barracks and light-houses, or either of them, shall continue in force from the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred and twenty four, for seven years, and from thence to the end of the then next session of Parliament, and no longer.

and by  
31 G. 2. 9. to  
25 March  
1768, &c.

III. And whereas an act passed in this kingdom in the second year of his present Majesty's reign, intituled, *An act to make the militia of this kingdom more useful*; which said act was continued by an act made in the sixth year of his Majesty's reign; and further continued by one other act, made in the last session of this present Parliament, for two years from the twenty fifth day of December one thousand seven hundred and twenty one, and from thence to the end of the then next session of Parliament: and whereas an act passed in this kingdom in the eighth year of his present Majesty's reign, intituled, *An Act to oblige ships coming from infected places more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into this kingdom*; which act was to continue in force from the first day of February one thousand seven hundred and twenty one, and until the end of the next session of Parliament: be it further enacted by the authority aforesaid, That the said two last mentioned acts, and all clauses, provisoes, and articles therein contained, shall continue and endure in force for two years, from the twenty fifth day of December in the year of our Lord one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament, and no longer.

Militia.  
2 G. 1. 9.  
continued by  
6 G. 1. 3. &  
8 G. 1. 6.  
further continued two  
years, &c.  
and so far  
as not altered  
by 19 G. 2. 9.  
further continued 10 years,  
&c. by  
29 G. 2. 8.  
Quarantine.  
8 G. 1. 3.  
continued 2  
years.

A. D. IV. And whereas an act passed in this kingdom in the fourth  
 1723. year of his present Majesty's reign, intituled, *An act for the*  
 Chap. 5. *preserving all such ships and goods thereof, which shall happen to*  
*Wreck.* *be forced on shore, or stranded upon the coasts of this kingdom :*  
 4 G. I. 4. and whereas an act passed in this kingdom in the sixth year of  
 his present Majesty's reign, intituled, *An act for the more effectual*  
*Customs.* *preventing the running of goods, and for the further preventing*  
 & 6 G. I. 8. *frauds committed in his Majesty's customs ;* the said two acts  
 being continued by an act passed in the eighth year of his pre-  
 sent Majesty's reign, to the twenty fifth day of December one  
 thousand seven hundred and twenty one, and from thence  
 to the end of the then next session of Parliament : and  
 whereas the said acts are found to be very useful for the  
 benefit of trade and his Majesty's customs, be it further en-  
 acted by the authority aforesaid, That the said two last mentioned  
 acts, with all clauses, articles, and provisos therein contained,  
 shall continue and endure in force for seven years, from the twenty  
 continued  
 7 years, &c. fifth day of December in the year of our Lord one thousand seven  
 hundred and twenty three, and from thence to the end of the  
 then next session of Parliament, and no longer.

1 Anne. 19.

V. And whereas by an act made in the second year of the reign of her late Majesty  
 Queen Anne, intituled, *An act for erecting a work-house in the city of Dublin, for*  
*employing and maintaining the poor thereof ;* amongst divers other things in the said act  
 enacted, The lord mayor, recorder, and aldermen of the city of Dublin for  
 the time being, or any seven of them, together with the respective seneschals of  
 the manors of Saint Sepulchres, Thomas-court, and Donore, were empowered  
 to licence all such persons, as should drive and keep any hackney-coach or coaches,  
 carts or carrs plying for hire, and brewers draws or carrs, or who shall keep  
 or carry any chairs or sedans in the said city or liberties thereunto adjoining,  
 so as the number of coaches so to be licensed should not exceed one hundred  
 and fifty, and the number of sedans or chairs the number of eighty ; which li-  
 cences were to be granted for the term of twenty one years, from the first day  
 of May one thousand seven hundred and four and no longer, under the re-  
 spective annual sums and rents therein and thereby made payable, as in and  
 by the said act is directed : and whereas by one other act passed in the sixth  
 and 6 G. I. 15. year of his present Majesty's reign, intituled, *An act for the more effectual amend-  
 ment of the pavements of the several counties of cities, and counties of towns in this  
 kingdom ; and for preventing mischiefs that may happen by fire in the city of Dublin ;  
 and for augmenting the number of hackney-coaches and chairs in the said city ;* amongst  
 divers other things in the said act contained, The said lord mayor, recorder, alder-  
 men, and seneschals, were further empowered to licence fifty more coaches and  
 forty chairs, for and during the term of six years from the first day of May one  
 thousand seven hundred and nineteen and no longer, under the respective annual  
 rents or sums thereby made payable to the governors of the Blue-coat Hospital  
 Dublin : and whereas the terms for which the said licences are granted are  
 near expiring, and it is necessary, such coaches, sedans, or chairs, carts, carrs, and  
 draws, should be continued under some rules and regulations, to prevent disorders,  
 and that the rents or annual sums payable as aforesaid should continue to be paid,  
 and made payable, in the same manner and to the same uses, as the same were by the  
 said acts made payable : be it enacted by the authority aforesaid, That the several  
 licences

The licences  
 for hackney-  
 coaches, &c. by  
 said acts grant-  
 ed, further con-  
 tinued from 1  
 May 1725, till  
 end of the next  
 session after.



licences granted for the said several hackney-coaches, sedans, or chairs, carts, carrs, and draws, pursuant to the said recited acts, be further continued from the first day of May, which shall be in the year of our Lord one thousand seven hundred and twenty five, until the end of the next session of Parliament after the said first day of May one thousand seven hundred and twenty five, at and under the same annual rents or sums, and payable in the same manner, and to and for the same uses, and under the same rules, regulations, penalties, orders, and directions, as the said licenced coaches, sedans; or chairs, carts, carrs, and draws, are now respectively subject and liable to by the said recited acts, or any other act whatsoever.

A. D.

1723.

*Said licences expired: but the yearly rents for coaches, &c. are revived 1 G. 2. 27. and licences for 21 years from 1 May 1728, with different powers. which term is enlarged 19 G. 2. 21.*

C H A P. V.

*An act for the further encouragement of finding and working mines and minerals within this kingdom.*

**W**HEREAS by an act of Parliament made and enacted in the reign of the late Queen Anne, intituled, *An act to repeal the statute made in the fifth of Henry the fourth, against multiplying gold and silver; and to prevent disputes and controversies concerning royal mines;* it was amongst other things enacted, "That all and every person or persons being subjects to the crown of England, bodies politick or corporate, that then were or thereafter should be the owner or owners, proprietor or proprietors, of any mine or mines within the kingdom of Ireland, wherein any ore then was or thereafter should be discovered, opened, found, or wrought, and in which there was copper, tin, iron, or lead, should and might hold and enjoy the same mine or mines and ore, and continue in the possession thereof, and digg and work the said mine or mines or ore; notwithstanding that such mine or mines, or ore, should be pretended or claimed to be a royal mine or royal mines, any law, usage, or custom to the contrary notwithstanding:" and whereas the said act has not had the full and desired effect; although many mines and minerals have since the passing the same been found out and discovered in this kingdom, some whereof have been wrought to the great advantage of the publick, and many others, though found, have not been wrought; by reason of the legal incapacities the person or persons lie under; in whose estate or estates the said mines or minerals are so discovered: and whereas the working of all such mines and minerals as are already discovered, or which shall hereafter be discovered, will be greatly for the benefit and advantage of the nation, by not letting the riches thereof lie buried in the earth, and will also tend very much not only to the employing poor and indigent, but also idle, loose, and dissolute persons, who for want of employment become a burthen to the nation; for remedy whereof, be it enacted by

*15 G. 2. 10. extended to coal mines. 23 G. 2. 9. explained, &c. 25 G. 2. 10. power to make roads from mines to rivers. 29 G. 2. 12. against unlawful combinations.*

*Recital of 4 Anne 12. 3.*

*Mines not wrought from legal incapacities of persons where discovered.*

*Disadvantage thereof to the nation.*

A. D. by the King's most excellent Majesty, by and with the advice and  
1723. consent of the lords spiritual and temporal and commons in this

Chap. 5. present Parliament assembled, and by the authority of the same,

That from and after the five and twentieth day of March, which  
shall be in the year of our Lord one thousand seven hundred and

twenty four, it shall and may be lawful to and for all archbishops  
and bishops, deans, deans and chapters, arch-deacons, preben-  
daries, and other dignitaries ecclesiastical, parsons, rectors, vicars,  
and to and for all bodies politick and corporate, colleges, cathed-  
ral or collegiate churches and hospitals, and to and for all and  
every person or persons whatsoever, who now are, or at any time  
hereafter shall be, tenant or tenants for life, with an immediate  
remainder to his or her first and every other son in tail male;  
and also to and for all and every person and persons, who now  
are, or at any time hereafter shall be, tenant in dower, or by the  
curtesie, by and with the consent and concurrence of such person  
and persons as shall be seized in reversion or remainder of an  
estate of an inheritance of and in any mines, herein after menti-  
oned, immediately expectant upon the death of such tenant in  
dower, or by the curtesie; or in case of the nonage, ideocy, or  
lunacy of such person so seized in reversion or remainder, then  
with and by the consent of the guardian or guardians of such mi-  
nor, or the committee of such idiot or lunatick, by and with  
the approbation of the lord chancellor, lord keeper, or commis-  
sioners of the great seal of this kingdom for the time being, in  
the said cases of nonage, ideocy, or lunacy, by indentures under  
their respective hands and seals, wherof counterparts are to be  
duly executed by the respective lessees, to make and grant leases  
not exceeding the term of thirty one years, of all mines and  
minerals whatsoever, which are already found, or shall or may  
hereafter be found, and discovered within their respective man-  
nors, glebes, or lands; so as the same be made to commence in  
possession, without  
fine, &c.  
at the most  
improved  
rent,  
not less  
than one tenth  
of the ore,  
without re-  
gard to dig-  
ging, &c.  
reserved to  
lessor, &c.

to com-  
mence in pos-  
session,  
without  
fine, &c.  
at the most  
improved  
rent,  
not less  
than one tenth  
of the ore,  
without re-  
gard to dig-  
ging, &c.  
reserved to  
lessor, &c.

possession, without any fine or income, or any other consideration  
than the yearly rent in such lease or leases reserved and mention-  
ed; and so as the most improved rent, that can be reasonably got-  
ten for the same, be reserved upon every such lease; and that  
such rent be not less in value than one tenth part or share of  
the ore to be dugg and raised out of such mines or minerals,  
without any regard had to the charges and expences in digging,  
raising, and laying the same on the bank; and so as such rent  
shall be reserved and made payable in and by such leases to such  
lessor and lessors, or such other person and persons as should  
from time to time, during the continuance of such lease, have  
been actually intituled by the laws of this kingdom to the benefit  
of such mines and minerals, in case this act had not been made.

II. Provided

II. Provided always, That where any such lease shall be made by any tenant for life not dispunishable of waste, with immediate remainders to his or her first and every other son in taile, two fifth parts of the yearly rent to be reserved thereupon shall be be made payable to the tenant for life, and the other three fifth parts of such rent to the person and persons in remainder, in whom the inheritance of the mines comprized in such lease shall from time to time happen to be vested, during the time such inheritance shall continue vested in him and them respectively.

A. D. 1723.  
Chap. 5.  
*Two fifths of the rent to tenant for life not dispunishable of waste: the other 3 to those in remainder in whom inheritance.*

III. And whereas it may happen, that such tenants for life, tenants in dower, or by the curtesie, may be infants, ideots, or lunaticks: be it therefore enacted by the authority aforesaid, That in all and every such case and cases it shall and may be lawful for all guardians, trustees, and committees, of and for such infants, ideots, and lunaticks, by and with the consent of the lord chancellor of this kingdom, or lord keeper, or commissioners of the great seal for the time being, to grant and make leases, not exceeding the term of thirty one years, of all mines and minerals whatsoever, as are or shall be found in the mannors, lands, and tenements, of such infants, ideots, or lunaticks, for the said term of thirty one years, so as such rent be reserved as aforesaid, and so as such consent be had, and all the other directions and restrictions herein before mentioned be observed in the making such leases.

*Guardians and committees with consent of lord chancellor may make such leases for infants, ideots, or lunaticks.*

IV. And whereas many proprietors of lands in this kingdom for the improvement thereof, and for encouraging improving tenants, have sett their lands in fee-farm, and for leases for lives renewable for ever, or for a long term for years, with an exception of mines or minerals in such fee-farms or leases: be it enacted by the authority aforesaid, That all and every person and persons, to whom the rent upon such fee-farms, or the immediate reversion in fee simple or fee tail expectant on such lease or leases, do or shall belong, shall have full power and authority to open, digg, and work all mines or minerals, which shall or may be had or found in or upon the said lands, and to raise and carry away the ore thereof, or to demise the same for thirty one years as aforesaid; and that all and every the persons aforesaid, and all and every person and persons, to whom the said mines and minerals shall be demised as aforesaid, shall and may have free liberty to build all such houses, as shall be found convenient and useful for working the said mines, and to digg and make turfe for the use of the said houses, where the same shall happen to be in boggs or mountains, only; making always to such person or persons as shall be intitled to the possession of the lands, whereon or where-

*Lands let in fee farm, or for lives renewable for ever, or long term years, Mines excepted, they to whom rent or reversion belong may open & work mines, and make such leases.*

23 G. 2. 9.

*and houses for said purpose may be built, and turf dug for use thereof,*

A. D. 1723. in such mines and minerals shall be dugg for, wrought, or found, such yearly or other reasonable allowance for the damage sustained upon account of digging such mines, and raising and carrying away the ore, or for the building such houses, or the digging such turfe as shall be agreed upon by and between the parties interested therein; and in case the said parties do not agree, then such damages shall be determined and ascertained by a jury of twelve legal freeholders of the county, where such mines or minerals shall be opened, dugg for, or found, upon their oaths in the presence of two or more justices of the peace for such county.

Allowance  
for damage ss  
agreed on,

or by jury  
before two  
justices.

Sheriff on  
precept shall  
return 24  
freeholders,  
due notice  
of time and  
place,

justices shall  
certify the  
finding into  
B. R.

Like pro-  
cess as in judg-  
ment on in-  
quiry of da-  
mages.

Six of the  
jury shall view  
the places.

Mines shall  
not be opened  
or worked in  
lands of bi-  
shops, &c.  
whereon a  
church or  
house, church  
yard, garden,  
orchard, or  
avenue :

nor where  
any house,  
&c. without  
licence in wri-  
ting of tenant  
or possessor,  
and of imme-  
diate rever-  
sioner.

V. And be it further enacted by the authority aforesaid, That in case the said parties do not agree among themselves, then and in every such case any two neighbouring justices of the peace for such county are hereby impowered, authorized, and required, to issue a precept in writing under their hands and seals, requiring the sheriff of such county to return four and twenty freeholders at the least at such time and place, as shall in such precept be appointed, due notice of which time and place shall always be given to both parties; out of which four and twenty freeholders so returned, twelve legal and indifferent men shall be sworn to try and ascertain the damages, and the allowance to be made for such damages; and that the said two justices do and shall certify such finding or inquisition under their hands and seals into his Majesty's court of King's-bench, which shall be recorded in the said court, and the like process shall issue thereon, as in case of a judgment upon a writ of inquiry of damages: provided that, before the said twelve men so sworn shall make any return for the ascertaining of the said damages, six of them at least shall personally inspect and view the several places, where the said damages are alleged to be done.

VI. Provided always, That it shall not be lawful to or for any person or persons in pursuance of this act to open, dig for, or work any mines or minerals in any land belonging to any archbishop, bishop, dean, archdeacon, prebendary, or other dignitary ecclesiastical, parson, rector, or vicar, whereon any church, house, or out-house shall stand or be erected, or wherein any church-yard, garden, orchard, or avenue now are, or hereafter shall be, made or planted; any thing herein contained to the contrary notwithstanding.

VII. Provided always, That it shall not be lawful to or for any other person or persons in pursuance of this act to open, search, dig for, or work any mines or minerals in any spot of ground, whereon any house, backside, garden, orchard, or avenue now are or shall be, without the licence or consent of the tenant or possessor thereof, and of all and every other person or persons who

who shall be seized of the immediate reversion and inheritance of the said lands expectant on the lease or leases, which have been or shall be made in fee simple or fee tail, first had and obtained in writing. A. D. 1723. Chap. 5.

VIII. Provided also, That if any mortgagee or mortgagees of any lands or tenements do or shall make such lease or leases as aforefaid, the same shall be void against the person or persons, who shall be intitled to the equity of redemption of the same, unless such person or persons shall join in such lease or leases, or otherwise consent or agree thereto. Lease by mortgagee void against person having equity of redemption, unless he joins or consents.

IX. And be it enacted by the authority aforefaid, That all leases made by vertue of and pursuant to this act shall be and remain good, valid, and effectual, not only against the person, who shall make such leases, but also against all and every their respective successors, and all and every person and persons having or claiming any estate, right, title, or interest, in reversion or remainder expectant on the determination of the estate of such tenant for life, tenant in dower, or tenant by the curtesie, in, to, or out of, any mines so to be demised; any law, statute, or usage, to the contrary notwithstanding. Leases good against successors and reversioners.

X. Provided always, That if any person or persons, who shall take, have, or claim, any right, title, estate, or interest, of or in any mine or mineral by virtue of or under any lease to be made in pursuance of this act, shall not begin effectually to work in such mine or mineral within one year next after the commencement of such lease, or shall after the said first year neglect to keep six able workmen therein employed for one hundred and fifty days in any one year, during the term of the said lease, for the effectual carrying on of the said work; then and in either of the said cases the lease so made shall be from thenceforth null and void both in law and equity; and it shall and may be lawful for the lessor or lessors, or such other person or persons, who shall be intitled to the rent reserved on such lease, to re-enter in and upon such demised premises, and the same to have again, re-possess, and enjoy, as in his or their former estate. Lessee not beginning to work in a year, or afterwards not keeping 6 able men employed 150 days in a year, lease void; and lessor may re-enter.

XI. Provided, That nothing in this act contained shall extend to enable any jointress to make any lease or leases of any mines or minerals, which are or shall be found in any lands or tenements, which such jointress shall hold as part of her jointure. Jointress shall not make leases of mines.

XII. Saving and reserving to the King's most excellent Majesty, his heirs and successors, all such rights of pre-emption of ore, and all other rights, duties, and demands whatsoever, in, unto, or out of, any mines, minerals, and ore, or any of them, as his Majesty, his heirs and successors, might or would have been entitled unto, in case this act had not been made; any thing herein contained to the contrary notwithstanding. Saving to the King right of pre-emption of ore, and all other rights. 1 G. 2. 24. destroying the engines, &c. felony, and a penalty for imbezling tools.

C H A P.

A. D.

1723.

## C H A P. VI.

*An act for explaining and amending an act, intituled, An act for real union and division of parishes; and for confirming an exchange made of a piece of ground, whereon the parish-church and vicarage-house of the parish of Saint Anne in the suburbs of the city of Dublin was by a former act of Parliament directed to be built, for another piece of ground; and for appropriating such other piece of ground to the same uses.*

2 G. 1. 14.  
Sect. 1.  
recited.

**W**HEREAS by an act made in the second year of the reign of his present Majesty, intituled, *An act for real union and division of parishes*, it is amongst other things enacted, “ That from the twenty fourth day of June in the year of our Lord one thousand seven hundred and seventeen, for and during the term of ten years from thence next ensuing, it should and might be lawful for the chief governor or governors of this kingdom for the time being, with the assent of the major part of the privy council in council assembled, fix at least consenting, and with the advice and approbation of the archbishop of the province, and the bishop of the diocese, certified under their hands and archiepiscopal and episcopal seals, with the consent of the respective patrons and incumbents, certified under their hands and seals, attested by two or more credible witnesses subscribing thereunto, to divide old parishes, or separate any parish, or part of a parish, of late united, and to unite parishes one to another, or part of a parish to another parish, or part of a parish, in perpetuity, and to erect such divided or united parishes, or part of parishes, into new parishes, with all parochial rights; and also to unite and appropriate any benefice or benefices, having actual cure of souls, to a dignity or prebend without cure; saving to the dean, dignitary, prebendary, and incumbent at the time of such union, during their respective incumbency, and to their respective patrons and ordinaries, all their right, title, and interest in and to the said united or appropriated benefices; and saving also all rights to the dean and chapter of each cathedral church, and to the prebendary of the prebend, to which any benefice with cure of souls shall be united or appropriated:” and whereas divers dignities or prebends in this kingdom, having actual cure of souls annexed, are of very small and inconsiderable value, yet by an union with one or more benefice or benefices without cure may be made a competent provision for the support and service of the cures annexed to such dignities or prebends: be it enacted by the King’s

Divers dignities with cure of very small value,

King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the chief governor or governors of this kingdom for the time being, with the assent, advice, approbation, and consent of such persons, in such manner, and under such savings and provisos, as are in the said recited act mentioned, concerning the uniting or appropriating any benefice or benefices, having actual cure of souls, to a dignity or prebend without cure, to unite or appropriate any benefice or benefices without cure of souls, to a dignity or prebend having actual cure of souls annexed.

A. D. 1723.  
Chap. 6.  
Chief governors, &c. as by 2 G. 1. 14. may unite thereto benefices without cure.

II. And whereas by the said recited act the consent of the incumbent and church wardens and parishioners of the parish or parishes to be assembled in vestry, or the major part of them, testified by their petition to the chief governor or governors of this kingdom, and the council thereof, is, among other things therein mentioned, made necessary to the directing and ordering new churches to be built in more convenient places in such parish or parishes: and whereas in divers parishes in this kingdom great numbers of the inhabitants are of the popish religion, who do, by refusing to consent to the building new churches in more convenient places in such parishes, greatly obstruct the execution of the said act: be it enacted by the authority aforesaid, That the consent of the incumbent and church wardens, and protestant parishioners of such parish or parishes to be assembled in vestry, or the major part of them, testified by their petition to the chief governor or governors of this kingdom, and the council thereof, shall be to all intents and purposes a sufficient consent of the parishioners of such parish or parishes to the directing and ordering new churches to be built in more convenient places within such parishes; any thing in the said recited act contained to the contrary notwithstanding: provided always that due notice be given in the church of such vestry to be held, and of the design of calling the said vestry, two Sundays successively immediately preceding the time appointed for the meeting of the said vestry; and, where there is no church used for the celebration of divine service, the like notice shall be posted up in the next market-town fourteen days before the meeting of the said vestry.

Consent of parishioners necessary to building new churches by 2 G. 1. 14.

obstructed by refusal of papists.

Consent of major part of protestant parishioners shall be sufficient. 19 G. 2. 16. Persons empowered to grant 1 acre for a site for new church.

Notice of vestry, and of the design, shall be given in church the 2 preceding Sundays: and where no church, in next market-town 14 days before.

III. And be it enacted by the authority aforesaid, That in all unions to be made by vertue of the said recited act, or of this present act, of any dignities or benefices, the patronage whereof is or shall be in the King's Majesty, his heirs or successors, the consent of the King's Majesty, his heirs or successors, signified by letter under his, her, or their royal sign manual to the chief governor

Where patronage in the King, his consent to union under sign manual, as valid as if under great seal:

A. D. 1723. Chap. 6. *if inrolled in Chancery in 6 months.* vernor or governors of this kingdom for the time being, to the making such union, shall be to all intents and purposes as good and valid, as if such consent were signified and declared under the great seal of this kingdom: provided the said sign manual be enrolled in his Majesty's high court of Chancery within six kalendar months after the date thereof; for which a fee of three shillings and four pence shall be paid, and no more.

*1 G. 2. 19. consent of chief governors valid. 21 G. 2. 8.*

*Deans and chapters with consent of bishop certified may endow vicarage or curacy with glebe and tithes; or augment endowments: saving right of tenants thereof.*

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the several and respective deans and chapters within this realm of Ireland; by and with the consent of the archbishop of the province, and the bishop of the diocese, certified under their hands and archiepiscopal and episcopal seals, to endow any vicarage or curacy in any parish, the church whereof is appropriate to them belonging, with a convenient portion of glebe or tithes, or both, belonging to such dean and chapter in such parish or parishes; and also with the consent aforesaid to augment such endowments, as have been already made for the support of a proper vicar or curate for performance of divine service and cure of souls within the same; saving to the then tenants of such glebes and tithes all their right and title during their respective leases.

*By said act consent of deans and chapters necessary to endowments by dignitaries:*

*in some dioceses several deans and chapters; whereby said act obstructed;*

*consent of dean and chapter, whereof the dignitaries endowing are members, sufficient.*

V. And whereas by the said recited act the consent of the respective deans and chapters in such diocese, where there are deans and chapters, is among other things therein mentioned made necessary to the endowments, and augmentation of endowments, of vicarages or curacies with a convenient portion of glebe or tithes, or both, in parishes, the churches whereof are appropriated belonging to the respective dignitaries and prebendaries in such dioceses, to be made by such respective dignitaries and prebendaries: and whereas in some diocesses in this kingdom there are several and distinct deans and chapters, whose joint consent in such cases is of no real use or advantage, and hath been found difficult to be obtained; and the good intent of the said recited act obstructed thereby: be it enacted by the authority aforesaid, That the consent of such dean and chapter, of which the respective dignitaries or prebendaries, so endowing or augmenting the endowments of such vicarage or curacy as aforesaid, are members, to the making such endowments or augmentation of endowments, shall be to all intents and purposes as valid and effectual in law, as if the several and distinct deans and chapters of such diocese had consented thereunto; any thing in the said recited act contained to the contrary notwithstanding.

*by 2 G. 1. 14. Sect. 8. bishops, &c. with consent may ex-*

VI. And whereas by the said recited act it is enacted, " That it shall and may be lawful to and for every archbishop, bishop, dean, dignitary or prebendary, with the approbation and consent



“ sent therein mentioned, to exchange any rectory, vicarage, parish, or portion of tithes to his or their said archbishoprick, bishoprick, deanry, dignity, or prebend belonging, for any other rectory, vicarage, parish, or portion of tithes within the same diocese of equal or near the same value :” be it enacted by the authority aforesaid, That it shall and may be lawful to and for every archbishop and bishop, with the consent of the chief governor or governors of this kingdom for the time being, and privy council, fix at least consenting, and for every dean with the consent of the archbishop or bishop of the diocese and of the chapter ; and also for every arch-deacon, dignitary, or prebendary, with like consent of the archbishop or bishop, and the consent of the respective dean and chapter, whereof such dignitary or prebendary is a member, in such diocesses where there are deans and chapters, and in such diocesses where there are no deans and chapters then by and with the consent of the major part of the clergy at their respective visitations, to exchange any rectory, vicarage, or portion of tithes, to his or their said archbishoprick, bishoprick, deanry, archdeaconry, dignity, or prebend belonging, for any portion or parcel of land of the same value ; the same to be settled and remain to such archbishop, bishop, dean, archdeacon, dignitary, or prebendary, and his and their respective successors, who are hereby enabled and made capable to take and retain the same.

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Chap. 6.

change rectories, vicarages, or tithes.

By this act exchange may be made for land of same value.

2 Anne 10.

5 G. 2. 6.

7 G. 2. 7.

29 G. 2. 8.

VII. Provided always, That such rectory, vicarage, or portion of tithes, so exchanged, shall be settled upon and remain to such person, as shall have the actual cure of souls in the parish, whereof the rectory, vicarage, or any portion of tithes, shall be so exchanged ; saving to the then tenant and tenants of all such lands, rectories, vicarages, and portions of tithes, all their right, title, and interest, during their several and respective leases.

Rectory, &c. so exchanged shall be settled on person having actual cure ;

saving to tenants all right during leases.

VIII. Provided always, and be it further enacted by the authority aforesaid, That the said recited act, and every clause, matter, and thing therein contained, and not hereby altered and repealed ; and also this present act, shall be and continue in force for ten years, from the second day of February one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament, and no longer.

Continuation of this act, and of 2 G. 1. 14.

(so far as not altered and repealed) for 10 years, &c.

both continued by 7 G. 2. 7. and perpetual 13 G. 2. 4.

IX. And whereas by an act of Parliament lately passed in this kingdom, intituled, *An act for dividing of the several parishes of Saint Andrew's, Saint Nicholas, Saint Catherine's, Saint James's, and Saint John of Kilmainham ; and for erecting a new parish by the name of the parish of Saint Anne, on the ground lying between Grafton-street and Merrion-street in the suburbs of the city of Dublin*, reciting, “ That Joshua Dawson of the city of Dublin,

Recital of an act for erecting St. Anne's parish in Dublin,

“ esquire,

A. D. 1723. Chap. 6. “ esquire, had given a plott or piece of ground, containing two hundred feet in length or depth, and one hundred feet in breadth, mearing and bounding eastward to Dawson’s-street, westward to a lane leading from Anne-street to Duke-street, and northward by Anne-street, for a church and church-yard, and vicarage-house and garden for the vicar and inhabitants of the said parish of Saint Anne;” it was amongst other things enacted, “ That the said plott or piece of ground so given, appointed, and described, should be thereby vested in Marmaduke Coghill and Samuel Dopping, esquires, and their heirs for ever, upon trust nevertheless, and to the intent and purpose, that a parish church, vestry, and other rooms and conveniencies necessary for a church, might be built thereon for the use of the vicar, minister, and parishioners of the said parish:” and whereas since the time of passing the said act it was found, that the said plott or piece of ground so given and sett out was not conveniently situated for building and erecting thereon the parish-church for the said parish of Saint Anne: whereupon at the request of the parishioners the said plott was exchanged for another plott or piece of ground in the said parish, enclosed with a stone-wall, of larger extent and more conveniently situated for the aforesaid purposes, lying eastwards of Dawson’s-street and opposite to Anne-street, and containing in front westward to Dawson’s-street one hundred and twenty feet in depth, on the north-side two hundred feet, on the south-side one hundred eighty seven feet, and to the east one hundred and twenty feet; and on part whereof a church hath been lately built and erected by the direction of his grace the lord archbishop of Dublin, which hath been likewise consecrated: and whereas it is necessary, that the exchange of the said plots of ground be confirmed and made good by the authority of an act of Parliament, and that the said plott of ground, on part of which the said church hath been erected, may for the purposes aforesaid be settled and assured by act of Parliament for the use of the said parish of Saint Anne; and that the said church so built and erected thereon may be reputed and remain the parish-church of the said parish for ever: be it enacted by the authority aforesaid, That the exchange of the said plots of ground be confirmed, and for ever accounted good and valid; and the said plott or piece of ground so given, appointed, and described, on part whereof the said church hath been erected and built, be and is hereby vested in the present rector, parson, or minister of the said parish, and his successors for ever, in trust for the use of the said parish for the purposes aforesaid; and that the said church so erected and consecrated shall for ever be reputed and remain the parish-church of the said parish of Saint Anne, as fully

and of exchange of ground granted for building the church for a more convenient plot.

said exchange confirmed.

fully and effectually to all intents and purposes, as if the church A. D. had been erected on the plot or piece of ground vested by the said 1723. act in Marmaduke Coghill and Samuel Dopping, esquires; any thing in the said recited act of Parliament to the contrary notwithstanding.

C H A P. VII.

*An Act for amending an act, intituled, An act for confirming the several grants made by her late Majesty of the first fruits and twentieth parts, payable out of the ecclesiastical benefices in this kingdom; and also for giving the archbishops and other ecclesiastical persons four years time for the payment of first fruits; and for incorporating the trustees and commissioners of the said first fruits.*

WHEREAS her late Majesty Queen Anne of blessed memory for the encouragement and increase of piety did by letters patents under the great seal of this kingdom, bearing date the seventh day of February in the tenth year of her reign, give and grant unto the most reverend father in God Narcissus then lord archbishop of Armagh, primate and metropolitan of all Ireland, Sir Constantine Phipps, knight, then lord chancellor of Ireland, the most reverend fathers in God William archbishop of Dublin, William archbishop of Cashel, John then archbishop of Tuam, and to the reverend fathers in God William then bishop of Meath, Welbore bishop of Kildare, and to several other bishops of this kingdom, to the then chief judges of the courts of King's bench, Common-pleas, and Exchequer, the then prime serjeant at law, attorney-general, solicitor-general, and also to Sir John Percival, baronet, now lord viscount Percival, and Samuel Dopping, esquire, and other persons in the said letters patents mentioned, all and all manner of first fruits issuing out of the ecclesiastical benefices payable by the clergy in this kingdom of Ireland, by whatsoever name the same are called, and by whatsoever right or title the same did belong unto her then Majesty, or to the crown, to hold the said first fruits issuing out of the said ecclesiastical benefices, payable by the clergy of this kingdom, to the said archbishops, bishops, and their successors respectively, and to others the persons aforesaid, and in the said letters patents mentioned, upon the trusts, and to the uses, intents, and purposes in the said letters patents expressed and declared: and whereas the said Sir John Percival, baronet, now lord viscount Percival, and Samuel Dopping, esquire, two of the said trustees, in whom the said first fruits are by the said letters patents vested, being only private persons, neither were nor are capable of having any successors,

29 G. 2. 18.  
Recital of  
grant by letters  
pat. 7 Feb.  
10 Anne of  
first fruits to  
trustees,

two of the  
trustees private  
persons,

A. D. 1723. Chap. 7. cessors, and all the rest of the said trustees being at the time of making the said letters patents in publick offices and employments; the several persons, who from time to time shall respectively be in the same offices and employments, are by the said letters patents to be vested in the said trust in like manner, as the said persons at that time named were so to be vested: now for the better enabling the said trustees in the said letters patents mentioned to execute the trusts therein and thereby reposed in them; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said trustees in the said letters patents named, or as many of them as by the said letters patents, or by an act of Parliament made in the second year of his Majesty's reign, intituled, *An act for confirming the several grants made by her late Majesty of the first fruits and twentieth parts, payable out of the ecclesiastical benefices in this kingdom, and also for giving the archbishops, bishops, and other ecclesiastical persons, four years time for the payment of first fruits*, or by this present act, have or shall have power to transact the business of the said trust, shall have power to nominate and elect a person in the room of the said Samuel Dopping, who is now dead, and another in the room of the said lord viscount Percival after his decease; and so from time to time as often as any vacancy shall happen in the places of them the said lord viscount Percival and Samuel Dopping, or of any person hereafter to be elected to succeed therein, shall and may nominate and elect some other person or persons into such place or places; which said persons so from time to time elected shall to all intents and purposes be deemed to stand in the room of the said lord viscount Percival and Samuel Dopping respectively, as if their own proper names had been inserted in the said letters patents.

upon whose  
decease the  
trustees may  
elect others,  
and so from  
time to time.

2 G. I. 15.

said trustees  
incorporated,  
and to have  
perpetual suc-  
cession, com-  
mon seal, &c.  
and first fruits  
vested in them.

II. And be it enacted, That the said trustees shall from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty four be one body politick and corporate, by the name of *the trustees and commissioners of the first fruits payable out of ecclesiastical benefices*, and shall have perpetual succession, and shall have and use a common seal to be by them from time to time appointed; and that they and their successors by the name aforesaid may sue and implead, and be sued and impleaded, answer and be answered, in all courts of record, or any other place whatsoever; and that the said first fruits issuing out of the ecclesiastical benefices payable by the clergy in this kingdom, so as aforesaid given and granted to the said trustees by the said letters patents, from and after the said twenty fifth day

day of March shall be and are hereby vested in the said corporation and their successors; and that the said corporation and their successors shall have and enjoy all and singular the rights, privileges, powers, and authorities by the said letters patents and the said recited act given and granted to the said trustees; and shall and may by the name aforesaid do, perform, and execute all and singular the acts, matters, and things, which by the said trustees might lawfully be done, performed, and executed.

A. D.  
1723.  
Chap. 7.

III. And whereas by the said letters patents any nine or more of the persons therein named (whereof the lord chancellor, one of the archbishops, and two of the bishops of this kingdom for the time being were always to be four) were appointed and constituted trustees and commissioners of her said Majesty, her heirs, and successors, for the disposition of the said revenue of first fruits: and whereas by the said act made in the second year of the reign of his present Majesty King George; it is enacted, "That any seven or more of the said trustees and commissioners (of whom the lord chancellor, the lord keeper, or first commissioner of the great seal for the time being, who are thereby respectively impowered to act in that behalf in the same manner as the lord chancellor ought to have acted, one of the lords archbishops, and two of the bishops of this kingdom, shall be always four) might for ever thereafter act in the said trusts, and dispose of the said first fruits in the same manner to all intents and purposes, as any nine of the said trustees might have acted and disposed thereof:" and whereas it frequently happens through multiplicity of other business, that the lord chancellor, and, it may happen, that the lord keeper and first commissioner of the great seal cannot be present at the meetings of the said trustees for the execution of the said trust: be it further enacted by the authority aforesaid, That in the absence of the lord chancellor, lord keeper, or first commissioner of the great seal for the time being, one of the archbishops, two of the bishops of this kingdom, and one of the chief judges of his Majesty's said courts of King's bench, Common pleas, or Exchequer, for the time being; and in the absence of the said chief judges, then either the prime serjeant at law, attorney-general, or solicitor-general for the time being, with any three or more of the said trustees and commissioners in the said letters patents named, or their successors, shall be a *quorum* of the said corporation, and may for ever hereafter act in the said trusts, and dispose of the said first fruits in the same manner to all intents and purposes, as any seven or more of the said trustees as aforesaid by virtue of the said act, or any nine or more of the said trustees as aforesaid by virtue of the said letters patents, might have acted or disposed thereof; and that such act

by said letters pat. 9 may act:

seven by 2 G. 1. 15.

Lord chancellor, &c. may happen not to be present:

in absence of lord chancellor, &c. who may be of the *quorum*.

A. D. 1723. act and disposition shall be to all intents and purposes as good and valid in law, as if the same had been made and done by nine or more of the said trustees according to the said letters patents, or by any seven or more of the said trustees according to the said recited act; any thing in the said letters patents, or in the said act, contained to the contrary in any wise notwithstanding.

Recital of  
2 G. 1. 14.  
Sec. 1.

IV. And whereas by one other act made in the second year of the reign of his present Majesty, intituled, *An act for real union and division of parishes*; it is enacted, "That from and after the twenty fourth day of June in the year of our Lord one thousand seven hundred and seventeen, for and during the term of ten years from thence next ensuing, it should and might be lawful for the chief governor or governors of this kingdom for the time being, with the assent of the major part of the privy council in council assembled, fix at least consenting, and with the advice and approbation of the archbishop of the province, and the bishop of the diocese, certified under their hands and archiepiscopal and episcopal seals, with the consent of the respective patrons and incumbents, certified under their hands and seals, attested by two or more credible witnesses subscribing thereunto, to divide old parishes, or separate any parish or part of a parish of late united, and to unite parishes one to another, or part of a parish to another parish or part of a parish, in perpetuity, and to erect such divided or united parishes, or part of parishes, into new parishes, with all parochial rights; and also to unite or appropriate any benefice or benefices, having actual cure of souls, to a dignity or prebend without cure:" therefore for the better securing the payment of the first fruits of such parishes, or parts of parishes, as shall be united or appropriated by vertue of the said act; be it further enacted by the authority aforesaid, That where one or more parish or parishes, or part of one or more parish or parishes, shall be united to another parish or parishes, or to a part of a parish or parishes, or where any benefice or benefices, having actual cure of souls, shall be united or appropriated to a dignity or prebend without cure in pursuance of the said act; and the incumbent of any the said united parishes, or of the parish or parishes whereof part only shall be so united to any other parish or parishes, or of such benefice or benefices united and appropriated to a dignity or prebend, shall die, resign, or be removed, then the next incumbent or person succeeding in the place of him so dying, resigning, or being removed, shall be chargeable with, and shall accordingly pay the first fruits of such parish or parishes, or part of parish or parishes, or of such benefice or benefices so united and appropriated, as if he were legally collated, or instituted and inducted, to the same: and to the end that such incumbent, dignitary,

Where parishes or benefices united according thereto, incumbent, &c. succeeding, shall pay first fruits.

dignitary, or prebendary, may be respectively charged with such first fruits, the archbishop and bishops of this kingdom are hereby respectively required to make and return to the first fruits office a certificate of the death, removal, or resignation of such incumbent or incumbents of the said parish or parishes, or part of parish or parishes, or of such benefice or benefices, so united or appropriated, and the name of the next incumbent or person succeeding in the place of him so dying, resigning, or being removed as aforesaid; together with the several and particular denominations of each divided and united parish or parishes, within such time, and in such and the same manner, as certificates are or usually have been made and returned upon the institution or collation of incumbents to livings or benefices.

A. D.  
1723.  
Chap. 7.  
Bishops shall return to first fruits office certificate of death or removal of incumbent, and name of successor, with the several denominations.

V. And be it further enacted by the authority aforesaid, That wherever any parish or parishes, or part of a parish or parishes, (now liable to the payment of first fruits) shall be divided by vertue of the said act, it shall and may be lawful for the chief governor or governors, and privy council of this kingdom for the time being, in and by the instrument in writing, whereby such division shall be made, approved, or confirmed by them, to settle and ascertain a just proportion of the first fruits now due for such parish or parishes, which shall be payable out of or for each and every the parish or parishes, or part of parish and parishes, which shall be so divided; and that such first fruits, as shall be thereby ascertained, and no other, shall from thenceforth be payable out of and for the said parish or parishes, part of parish or parishes respectively, as shall be so divided; any law, statute, or custom, to the contrary thereof in any wise notwithstanding.

on division of parishes by 2 G. I. 14. the proportion of first fruits shall be settled by the instrument of division.

VI. And be it further enacted by the authority aforesaid, That when any parish hath been already divided into two or more parishes, or where part of one or more parish or parishes hath been erected into a new parish, or united to any other parish or parishes before the first day of this present session of Parliament by vertue of the said act; that it shall and may be lawful for the archbishop of the province, and bishop of the diocess, where such divided or new erected parish or parishes lie, by instrument in writing under their respective hands and archiepiscopal and episcopal seals, by and with the consent of the said trustees and commissioners of the said first fruits, or any seven or more of them as aforesaid, signified under their common seal, to settle and ascertain a just proportion of the first fruits formerly due for such parish or parishes, which shall be payable out of and for such new erected parish or parishes, and out of and for the respective parts of such united or divided parish or parishes; and that such first fruits, as shall be settled and ascertained in manner aforesaid, and no

where parishes already divided or new erected, the bishop by writing, with consent of trustees, shall proportion the first fruits.

A. D. 1723. other, shall from thenceforth be payable out of and for such new erected, divided, or united parish or parishes, as the same shall respectively become void; and shall upon every such avoidance be secured, sued for, and recovered in such and the same manner, as the first fruits of other parishes in this kingdom are and may be by law secured, sued for, and recovered.

Not to charge any part of parishes now exempted from first fruits.

VII. Provided always and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to charge or make liable any parish or parishes, or any part thereof, that shall be divided pursuant to the said act, with or to the payment of first fruits, that is or are now discharged or exempted therefrom; any thing herein before contained to the contrary thereof in any wise notwithstanding.

#### C H A P. VIII.

*An act for accepting the solemn affirmation or declaration of the people called Quakers, in certain cases, instead of an oath in the usual form.*

**W**HEREAS for the more easie carrying on of trade and commerce within this kingdom, it may be convenient in some cases to accept of a solemn declaration or affirmation from the people called Quakers, in the room of an oath, which according to their principles they alledge to be unlawful for them to take: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the second day of February in the year of our Lord one thousand seven hundred and twenty three every quaker within this kingdom, who shall be required upon any lawful occasion to take an oath, where by law an oath is required, in making entries, invoicing of ships or goods, and obtaining debentures at the Custom-house, and in all and every other case where an oath is required in the way of trade before any person or persons concerned in the management of his Majesties revenue in this kingdom; as also in recovering of small debts in a summary way by civil bill, and in proving their book debts for any sum not exceeding one hundred pounds, and in recovering of rent and arrears of rent due to any quaker, where the title of the land doth not come in question, and in ejectments, to be brought where the lessor of the plaintiff is a quaker, upon the several acts made to prevent frauds committed by tenants, or any of them; and also in taking out administrations, proving of wills in common form, and returning inventories; as also where by law an oath is required in obtaining freedoms in cities and other towns corporate, and upon attachments, and foreign attachments in inferior courts, and in elections of members of Parliament, shall in such cases, instead of an oath in the usual form, be permitted to make his or her solemn declaration or affirmation, in these words following: (*viz.*)

I: A. B. do solemnly, sincerely, and truly declare and affirm.

And all persons, authorized or required to administer or tender an oath in all and every the cases aforesaid, are hereby authorized and required to administer and tender



tender the said solemn affirmation or declaration to the said people called quakers in the words by this act appointed as aforesaid; which said solemn declaration or affirmation shall be adjudged and taken to be of the same force and effect to all intents and purposes in all courts of justice, and before all persons, and in all places, where by law an oath is required within this kingdom for and in respect of the cases herein before particularly mentioned, as if such quaker had taken an oath in the usual form, in all, every, or any of the cases aforesaid.

A. D.

1723.

Chap. 8.

II. And be it further enacted by the authority aforesaid, That if any person making such solemn declaration or affirmation in all, every, or any of the cases aforesaid, shall be lawfully convicted, wilfully, falsely, and corruptly to have declared or affirmed any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury; every such person so offending shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

III. Provided always, and be it enacted by the authority aforesaid, That when any quaker or reputed quaker within this kingdom shall be required in pursuance of an act of Parliament, made in this kingdom in the sixth year of the reign of his present Majesty, intituled, *An act for exempting the protestant dissenters of this kingdom from certain penalties, to which they are now subject*, to make and subscribe the declaration of fidelity therein mentioned to his present Majesty, such quaker shall also (if required) make and subscribe his or her name or mark to the following profession of their christian belief in these words: (*viz.*)

6 G. I. 5.

I. *A. B. profess faith in God the father, and in Jesus Christ his eternal son, the true God, and in the Holy Spirit, one God blessed for evermore; and do acknowledge the holy scriptures of the old and new testament to be given by divine inspiration;*

Which declaration and profession shall be made and entred of record at the general quarter-sessions of the peace at the county, city, or place, where such person shall then reside, and the clerk of the peace of every such county, city, or place, shall give to every such quaker requiring the same a certificate in writing of such quakers having made and subscribed the said declaration and profession; which certificate shall be allowed of in all courts and places, as proof of such quaker having made and subscribed the said declaration and profession; and for which the clerk of the peace shall be allowed one shilling and no more.

IV. Provided always, That no person or persons shall be deemed a quaker within the intention of this act, unless, he, she, or they, shall produce a certificate or certificates under the hands of six credible persons of their own congregation, of his or her having been of that profession at least three years then last past, if thereunto required.

V. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever.

VI. Provided always, That this act shall continue in force for the space of three years, and from thence to the end of the then next session of Parliament, and no longer. Continuance  
three years.

A. D.

1723.

## C H A P. IX.

*An Act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation; and for preventing the destruction of salmon.*

10 Wil. 3. 2.  
2 Anne 15.  
6 Anne 12.  
2 G. 1. 16.  
4 G. 1. 12.  
8 G. 1. 7.  
12 G. 1. 5.  
13 G. 2. 12.  
21 G. 2. 7.  
29 G. 2. 8.

8 G. 1. 7.  
continued till  
2d. March  
1723.

And weigh-  
masters there-  
by appointed  
shall act as  
herein direct-  
ed, till others  
appointed as-  
sume the of-  
fice.

First of  
March 1723  
in cities and  
corporations  
(except Dub-  
lin and Cork)  
chief magis-  
trate, &c. and  
in places of  
export of but-  
ter and tallow,  
and in baro-  
nies wherein  
a markettown,  
justices at ses-  
sions, shall ap-  
point weigh-  
masters.

**W**HEREAS the several laws, heretofore made to prevent frauds and abuses in making up butter and tallow, have not had their due effect: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That one act made in the eighth year of his present Majesty's reign, intituled, *An act for the farther amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom, and for preventing the destruction of salmon*, shall continue and remain in full force from the last day of this present session of Parliament, until the second day of March in the year of our Lord one thousand seven hundred and twenty three, and no longer; and that all and every person and persons, who have been appointed weigh-master or weigh-masters in any town or place in pursuance of the said act shall and may continue to execute the office of weigh-master, in such manner as herein after by this act is directed, until such time as some other person or persons, by this act nominated or to be appointed in pursuance thereof, shall take upon him or themselves such office of weigh-master.

II. And be it enacted by the authority aforesaid, That on or before the first day of March one thousand seven hundred and twenty three in every city and town corporate in this kingdom, except the cities of Dublin and Cork, the chief magistrate and aldermen, or chief magistrate and burgesses where there are no aldermen, under the seals of their respective corporations, and in every place of export from whence butter and tallow are commonly shipped for exportation, such place being no city or town corporate, and in every barony in this kingdom, wherein there is any market-town, the justices of the peace at the next general quarter-session of the peace after the said first day of March to be held for the respective counties, in which such places of exportation and baronies lie, under their hands and seals, and so from time to time as any vacancy shall happen, shall nominate and appoint some one

or

or more discreet and skilful person or persons to be a publick weigh-master or publick weigh-masters in and for such respective city, town corporate, place of export and barony.

A. D.  
1723.  
Chap. 9.

III. And be it enacted by the authority aforesaid, That the weigh-master and weigh-masters so to be appointed, and also the present weigh-masters of Belfast, who are hereby appointed weigh-masters of the said town of Belfast, shall hold and enjoy such his and their office of weigh-master and weigh-masters during his and their good behaviour, and until such time as he or they shall in manner herein after mentioned before the chief magistrate and aldermen, or chief magistrate and burgeses of the city or town corporate, or before the justices of peace at the general quarter-sessions of the peace for the county, in which such place of export or barony lies, for which he or they are appointed weigh-masters respectively, be convicted of having acted contrary to the duty of his and their office.

Who shall hold during good behaviour;

IV. And be it enacted by the authority aforesaid, That the chief magistrate and aldermen, or chief magistrate and burgeses, in the said cities and towns corporate respectively, and the justices of the peace at the general quarter-sessions of the peace in their respective counties, shall and may upon full proof of the misbehaviour of such weigh-master and weigh-masters in his and their office, either upon full hearing of him or them, or upon his or their being duly summoned, and neglecting to appear, by writing under the hands and seals of them, or the major part of them respectively, remove such weigh-master or weigh-masters so appointed for such city, town corporate, place of export, or barony, and nominate and appoint another or others in his or their stead.

And on proof of misbehaviour, or not appearing on due summons, be removed, and others appointed.

V. Provided always, That if any weigh-master or weigh-masters so removed, or the person or persons so complaining of him or them, shall think him or themselves aggrieved by the determination of such chief magistrate and aldermen, chief magistrate and burgeses, or justices of the peace; it shall and may be lawful to and for the party, who shall think himself so aggrieved, to apply by petition to the justice or justices of assize for the county or place, in which the city, town corporate, place of export, or barony shall lie, in his or their next circuit; who are and is hereby empowered and required to hear, and finally determine, the matter of such petition, and to restore such weigh-master and weigh-masters, if unduly removed, or to remove him or them, if the complaint be thought just, by warrant under his and their hand and seal or hands and seals; and also at his or their discretion to award reasonable costs to the party, who upon hearing

Appeal to next judges of assize, who may determine, and award costs, for non-payment whereof commitment.

Vol. V.

H h

such

A. D. such petition shall appear to be aggrieved; which costs shall be paid by the party, against whom the same shall be awarded, within a time to be appointed by such justice or justices of assize; and in default of such payment the party, against whom the said costs are awarded, shall be committed, till the same are paid.

Weigh-master shall give bond with security, or recognizance, for true performance; the penalty not above 500 l. nor less than 20 l.

and take oath following before chief magistrate or justices.

VI. And be it enacted by the authority aforesaid, That every weigh-master, hereby nominated or to be appointed in pursuance of this act, before he shall enter upon the execution of such office, shall perfect a bond with sufficient security to the chief magistrate of such city or town corporate respectively, or enter into a recognizance before the justices of peace at the quarter-sessions for such respective county, of such penalty as the said chief magistrate, or the said justices of the peace, shall think reasonable, not exceeding five hundred pounds, nor less than twenty pounds, conditioned for his true and faithful performance and execution of his said office; and shall likewise take before the said chief magistrate or justices the oath following: *viz.*

*I A. B. do swear, that I will diligently and faithfully execute the office of publick weigh-master, during the time I shall continue in the said office; I will take care truly, without fraud or delay, to weigh all butter and tallow, and to weigh and brand all butter and tallow casks in such order, as the said goods shall be brought to me to be weighed or branded; and in all other respects I will truly execute my said charge;*

*So help me God.*

Which oath the said chief magistrate and justices of the peace at their quarter-sessions are hereby impowered to administer.

Weigh-masters shall provide weigh-houses approved; and beams, scales, &c. and attend daily in places of usual sale or export, in other places only on market days, from 6 till 12, and from 2 till 6, from 25th March; from 8 till 12 and from 2 till 4 from 29th September.

1 G. 3. 17. for Limerick.

VII. And be it enacted by the authority aforesaid, That every weigh-master, hereby nominated to be appointed in pursuance of this act, shall provide a sufficient and convenient weigh-house or weigh-houses, to be approved in each city and town corporate by the chief magistrate and aldermen, or chief magistrate and burghesses, and in every other place of export and barony; which weigh-house in each barony shall be in some market-town, to be approved by the justices of peace at their respective quarter-sessions; and shall also provide beams, scales, weights, branding-irons, and other necessaries at his proper charge, and shall attend at his weigh-house by himself, or by a sufficient deputy, to be approved of by the chief magistrate and aldermen, chief magistrate and burghesses, or justices of the peace at the quarter-sessions respectively in every city and town corporate, where butter and tallow

have

have been frequently or usually sold, and in every other place of A. D. export, from whence such commodities are commonly exported 1723. every day in the week (Sundays and holy-days excepted) from six Chap. 9. of the clock in the morning till twelve, and from two in the afternoon 'till six, from the twenty fifth day of March 'till the twenty ninth day of September, and from thence to the twenty fifth day of March from eight in the morning 'till twelve, and from two in the afternoon 'till four; and, in such towns corporate where butter or tallow are not usually and frequently sold, and in such places of export from which the said commodities are not commonly exported, on market-days only, during the hours aforesaid, and then and there weigh, brand, and mark all such commodities and empty casks, as by this act he is required.

VIII. And be it enacted by the authority aforesaid, That no person or persons from and after the first day of March one thousand seven hundred and twenty three shall buy or sell any empty casks for packing of butter for sale, or export, or shall make up or pack butter in any casks for sale, unless such cask be made of good seasoned oak, ash, or sicamore, whereof no part to be bogg-timber, and made tight, that they will hold pickle, with head and bottom equally dooled and set to the cross, with twelve good fresh sufficient hoops on each cask, all well twigged with good fresh ofier twiggs, nor before such cask or casks shall be weighed and branded by some weigh-master or weigh-masters by this act nominated, or pursuant to this or the said former act appointed or to be appointed; which weigh-master or weigh-masters, his or their deputy, shall be, and are, or is hereby impowered and required to weigh all such empty casks, and to allow on account of foakidge two pounds more on each firkin, that shall contain half a hundred weight of neat butter, and four pounds on each cask containing a hundred weight, and so in proportion to the size of the cask; the weight of which empty cask, with the allowance for foakidge as aforesaid, the said weigh-master or his deputy is hereby required to brand on the head, side, and bottom of every such empty cask or casks, together with the first letter of his christian-name and his fir-name at length, with the name of the place where such weigh-house shall be kept; and in case any weigh-master or weigh-masters, his or their deputy, shall weigh or brand any such cask or casks not made as aforesaid, or any person or persons shall buy or sell any cask or casks not branded as aforesaid, the said weigh-master, buyer, and seller, being thereof lawfully convicted before the chief magistrate of the place, or some justice of the peace of the county or division, where such offence

Butter casks shall be of seasoned oak, ash, or sicamore, no bog timber, hold pickle, dooled, hooped, &c. weight and branded.

of beech &c. 12 G. 1. 5.

Allowance for foakage 2 lb. per firkin containing half hundred,

which with the weight shall be branded on the empty casks, and also the name and place.

A. D. 1723. Chap. 9. offence shall be committed, upon the oath of one or more credible witness or witnesses, (which oath such chief magistrate and justice is herein impowered to administer,) shall for every such offence respectively forfeit the sum of five shillings; to be levied by warrant under the hand and seal of such chief magistrate or justice of the peace, by distress and sale of the goods of the offenders; which warrant the said chief magistrate or justice of the peace is hereby required and impowered to issue; one moiety of which forfeiture shall go to the poor of the parish, and the other to the informer.

If casks not so made are weighed or branded, or bought or sold not so branded, penalty 5s. to the poor and informer. Penalty 10s. on weigh-master for marking falsely.

IX. And be it enacted by the authority aforesaid, That if any weigh-master or his deputy shall mark any cask falsely, as containing more or less than the true weight, the weigh-master by whom, or by whose deputy, any such cask shall be falsely marked, being convicted thereof as aforesaid, shall for every such cask falsely marked forfeit the sum of ten shillings; to be recovered, levied, and distributed in the manner and by the means aforesaid.

If tallow casks, not so branded, are packed and exposed to sale, &c. penalty 10s.

X. And to the intent that the tare of the tallow casks may be known, be it enacted by the authority aforesaid, that all casks, in which tallow shall be packed or made up, shall before the same be filled or packed, be brought to one of the said publick weigh-houses, where such weigh-master or his deputy attending the same shall brand the true weight of such cask on side, bottom, and top, with the first letter of his christian-name and his fir-name at length, and the place of his abode; and in case any person or persons make up tallow in any cask, and shall expose the same to sale, or attempt to export any tallow, where the casks are not branded as aforesaid, such person or persons shall forfeit for every such cask of tallow the sum of ten shillings *sterling*, to be upon conviction recovered, levied, and distributed in like manner as before mentioned.

Weight of half hundred firkin 10lb. or not to be branded.

XI. Provided always, That no weigh-master shall weigh and brand as aforesaid any empty firkin or cask, which may contain half a hundred of neat butter, that shall weigh less than ten pounds, and so in proportion for a larger cask; any thing herein contained to the contrary notwithstanding.

Inland weigh-masters not competent judges, nor having such regard to credit of trade.

XII. And whereas the credit and reputation of the trade of this nation is principally intended to be taken care of, by having the several goods and merchandizes herein mentioned sent abroad in good and sufficient order, which is by experience found impracticable, if butter and other goods in the said statute mentioned are to be weighed and branded by inland weigh-masters, who cannot reasonably be presumed to be so competent judges of the quality of such goods, or to have such regard for the credit of the trade

trade of this nation as weigh-masters, that are to be had at the A. D. places of export, and that are immediately under the inspection of 1723. the merchants, who export such goods; and for whose credit and Chap. 9. advantage it is to have the same sent abroad made up according to law: be it therefore enacted by the authority aforesaid, That from and after the first day of March one thousand seven hundred and twenty three all and every cask or casks of tallow and butter, before the same be sold in or exported from any sea-port town, or place of export within this kingdom, shall be brought to some publick weigh-house of such sea-port town or place of export, by this act or by the said former act appointed or to be appointed, there to be tryed, proved, and weighed by such weigh-master or his deputy, who are hereby required strictly to inspect the same, and, before he or they mark or brand the same, to see that such butter and tallow be merchantable and made up according to the known laws of this kingdom; and, in case any such goods shall not appear to be merchantable or so made up, such weigh-master or weigh-masters, or their deputies, are hereby required and impowered to carry such butter and tallow with the person, who brought the same to be weighed, before some neighbouring justice of the peace, or the chief magistrate of the place, who is hereby impowered to enquire into the same; and if such goods shall upon examination and inspection or due proof appear to him to be unmerchantable, or made up contrary to law, he shall adjudge the said goods forfeited; one moiety to the poor of the parish, and the other to the informer; and if such justice or chief magistrate shall be doubtful of the quality of such butter or tallow, or if either party require the same, such justice or chief magistrate is hereby impowered and required to summon, examine, and hear upon oath, two able merchants of the place in relation to the nature and quality thereof, that he may the better be able to determine concerning the same and when such butter and tallow, so brought to be weighed pursuant to this act, shall appear to such weigh-master or his deputy to be merchantable and made up according to law, such weigh-master or his deputy shall and is hereby required to weigh the same, and to mark on the head and side of each cask the gross weight thereof, and on the side thereof to brand the name of such place of export, together with the first letter of the christian-name and the fir-name at length of such weigh-master, as an office mark.

Butter and tallow, before sold in a sea-port, or exported, shall be brought to weigh-master there and tried;

and if not appearing merchantable, carried before a magistrate, and if so on inspection forfeited to poor and informer.

Two able merchants may be examined on oath as to quality thereof.

Further enforced 12 G. 1. 5.

if merchantable, shall be weighed and marked.

XIII. And whereas the small fee given by the before mentioned act for branding empty casks for butter and tallow, and for weighing butter and tallow, has been found by experience not to be a sufficient recompence for the charges, weigh-masters

Fees of weigh-master increased.

A. D. 1723. are put to, and the labour requisite in the execution of their office, nor a reasonable encouragement for men of understanding and probity to undertake the same: be it enacted by the authority aforesaid, That from and after the said first day of March in the year of our Lord one thousand seven hundred and twenty three all and every weigh-master and weigh-masters, who are hereby, or who shall in pursuance of this act be, appointed, or continue impowered, to weigh and brand empty casks for butter and tallow, shall have and receive from the person bringing the same to be weighed and branded the sum of one penny, and no more, for every such empty cask so weighed and branded of any size whatsoever; and for the weighing and branding of every barrel, half barrel or firkin, or other cask of butter, the sum of one penny, and no more; for every cask of tallow, the sum of a half penny *per* hundred neat, and no more; and that upon refusing to pay the above fees for the aforesaid goods by the persons bringing them to be weighed, it shall and may be lawful for any weigh-master or his deputy to detain such goods or empty casks until satisfaction be made according to the true intent and meaning of this act.

may detain  
till satisfacti-  
on.

Weigh-ma-  
ster or deputy  
not attending,  
penalty 5 l. by  
civil bill next  
assizes,

or sessions  
for Dublin.

XIV. And be it further enacted by the authority aforesaid, That if any weigh-master shall neglect or refuse to attend on the days, and during the respective times hereby appointed, by himself or his deputy, such weigh-master shall for each offence of himself or deputy respectively forfeit the sum of five pounds, to be recovered by him or them, who shall sue for the same by civil bill in the several and respective counties, where such weigh-house or weigh-houses are appointed; and in the county of the city of Dublin, and county of Dublin, at the quarter sessions respectively, which the justices of the peace for the city of Dublin are hereby impowered to hear and determine at the quarter-sessions of the peace for the said city.

XV. Provided, That such civil bill be brought at the next assizes or quarter-sessions respectively.

Counter-  
feiting or al-  
tering the  
brand, penal-  
ty 10 l. by ci-  
vil bill.

XVI. And be it enacted by the authority aforesaid, That every person, who shall counterfeit or alter the brand or mark of any weigh-master, shall forfeit the sum of ten pounds for every such offence, to be recovered by civil bill as aforesaid by any person, who shall sue for the same.

Butter or  
tallow at-  
tempted to be  
exported, for-  
feited if not so  
branded;

XVII. And be it enacted by the authority aforesaid, That from and after the first day of March one thousand seven hundred and twenty three if any person or persons shall attempt to export, or lay upon any wharf or key in order for exportation, any butter or tallow-cask or casks not branded and marked as aforesaid, such butter and tallow, and the casks in which the same



are made up, shall be forfeited, and may be seized by the weigh-  
master of the place, or his deputy, and upon due proof shall  
be condemned and sold by the chief magistrate of the place, or  
some neighbouring justice of the peace; and one moiety of the  
money arising by such sale, paid to the person, who shall seize the  
same, and the other moiety to the use of the poor of the parish,  
where such offence shall be committed.

A. D.  
1723.  
Chap. 9.  
and may be  
sold for seizure  
and the poor.

XVIII. And to the intent that the several regulations herein  
appointed may be strictly observed, and faithfully and truly ex-  
ecuted in the city of Cork, which is a place of great export, be  
it enacted by the authority aforesaid, That Edmond Knapp of the  
said city, alderman, and Edward Hoare of the said city, alder-  
man, and the survivor of them, shall be and are hereby appoint-  
ed to be weigh-master and weigh-masters of the said city, subject  
to the several regulations herein before mentioned for the due ex-  
ecution of the said office of weigh-master; which said office shall  
and may be executed by them, or the survivor of them, his or  
their sufficient deputy or deputies, during the good behaviour of  
the said Edmond Knapp and Edward Hoare, and the survivor of  
them.

Cork, a  
place of great  
export:  
Edmd. Knapp  
and Edward  
Hoare, weigh-  
masters there-  
of, subject to  
said regulati-  
ons,

XIX. Provided always, That the said Edmond Knapp and  
Edward Hoare, and the survivor of them, shall and may be from  
time to time subject and liable to be removed for misbehaviour  
in the execution of the said office, committed by them or either  
of them, or the deputy or deputies of them or either of them,  
by the mayor, aldermen, and common council of the said city,  
in such manner as weigh-masters, appointed by the mayor  
and aldermen in other cities and towns corporate, are by  
this act made removeable by such mayor and aldermen; with li-  
berty to the said weigh-masters, or either of them, who shall be  
so removed, of appealing to the justice or justices of assize for the  
circuit, in which the said city of Cork lies, in his or their next  
circuit in such manner, as is in other cases provided for by this  
present statute.

may be re-  
moved for mis-  
behaviour:  
like liberty  
of appeal,

XX. Provided also, That if the said Edmond Knapp and Ed-  
ward Hoare, or either of them, or the survivor of them, shall  
alien, sell, lease, or otherwise dispose of the office of weigh-  
master, which by this present act is vested in them, and the sur-  
vivor of them, to any person or persons whatsoever, that then  
and in such case the said office of weigh-master, so as aforesaid  
granted to them, shall cease and determine; and also every sale,  
grant, or lease made by them contrary to the intent of this act  
shall be absolutely null and void to all intents and purposes what-  
soever.

their office  
void on alie-  
nation, &c.

XXI. Pro-

A. D. XXI. Provided also, That if the said office of weigh-master  
 1723. for the city of Cork shall become vacant by the death or re-  
 Chap. 9. moval of the said Edmond Knapp and Edward Hoare, or other-  
 ~~~~~  
 on their death or re-  
 moval, mayor,  
 &c. may ap-  
 point others.  
 wise, then and in every such case it shall and may be lawful to  
 and for the mayor, aldermen, and common council of the said  
 city of Cork by writing under the common seal of the said cor-  
 poration to nominate and appoint two other persons to the said  
 office, who after such nomination and appointment shall hold the  
 same to them, and the survivor of them, to be executed by them-  
 selves, or the survivor of them, or his or their sufficient deputy  
 or deputies, during the good behaviour of the persons so appoint-  
 ed; subject to the several regulations herein before mentioned for  
 the due execution of the office of weigh-master, and to the same  
 power of removal as is herein before appointed for the said Ed-  
 mond Knapp and Edward Hoare, and their deputies respectively.

In Dublin, lord mayor, &c. may ap-  
 point weigh-  
 masters, subject  
 to same regu-  
 lations as in  
 Cork.  
 XXII. And be it further enacted by the authority aforesaid,  
 That the lord mayor, sheriffs, commons, and citizens of the city  
 of Dublin in common council assembled shall and may from  
 time to time appoint one or more weigh-master or weigh-  
 masters for the city of Dublin, for such time, and in such man-  
 ner, as is herein before directed; who by him or themselves, his  
 or their sufficient deputy or deputies, shall execute the said of-  
 fice, subject nevertheless to the several regulations herein before  
 appointed in relation to the weigh-masters of the city of Cork;  
 any thing in this act contained to the contrary notwithstanding.

All clauses  
 in 8 G. 1. 7.  
 relative to  
 dressing, &c.  
 hides and  
 calve-skins in  
 Dublin and  
 the liberties,  
 and to beef and  
 pork for ex-  
 portation, and  
 to restrain the  
 taking salmon,  
 continued du-  
 ring continu-  
 ance of this  
 act.  
 XXIII. And be it enacted by the authority aforesaid, That all  
 and every the clauses, powers, matters, and things, in the said  
 act, intituled, *An act for the further amendment of the laws in  
 relation to butter and tallow-casks, hides, and other commodities of  
 this kingdom, and for preventing the destruction of salmon*, as far as  
 the same relate to the dressing, salting, making up, weighing and  
 selling of hides in the city of Dublin, and in the liberties of  
 Saint Sepulchers, Thomas-Court, and Donore, and to the dressing  
 of calf-skins in the said city and liberties; and also as far as the same  
 relate to casks in which beef or pork are made up for expor-  
 tation; and also as far as the same relate to restrain any sort of  
 fishing for salmon, or the use of any instruments or nets, which  
 may destroy salmon or salmon-fry, or to the taking or killing of  
 salmon between the first day of August and the first day of Fe-  
 bruary, shall continue and remain in full force during the con-  
 tinuance of this present act, and no longer.

Weigh-ma-  
 ster in Dub-  
 lin and liber-  
 ties shall take  
 one halfpenny  
 every hide.  
 XXIV. Provided always, That every weigh-master in the said  
 city of Dublin, and in the said liberties of Saint Sepulchers, Tho-  
 mas-Court, and Donore, shall and may take and receive the sum  
 of

of one half penny and no more, for viewing and weighing of A. D. every hide.

XXV. Provided always, That this present act shall continue and remain in force for the space of seven years, and from thence to the end of the then next session of Parliament, and no longer.

1723.  
Continu-  
ance of this  
act 7 years, &c.  
explained and  
amended 12  
G. 1. 5. and  
13 G. 2. 12.  
and continued  
by 1 G. 2. 17.  
and 5 G. 2. 6.  
and 13 G. 2.  
12. and by  
21 G. 2. 7.  
with the sever-  
al alterations  
and amend-  
ments to 29  
Sept. 1769. &c.

CHAP. X.

*An act for regulating abuses committed in buying and selling of cat-  
tle and sheep in the several markets in this kingdom.*

WHEREAS several abuses frequently happen in the markets of Smith-field in Dublin and elsewhere in this kingdom by persons, who undertake to sell cattle or sheep, commonly called salesmen, by combining with butchers and others, and under-selling the cattle or sheep of their employers, and by their breaking and running away with the money the said cattle or sheep are sold for, and by the great interest the said persons have in the said markets with the butchers and others, it is difficult for any person to sell his own cattle or sheep, but such persons are under a necessity to employ some of the said salesmen: and whereas by opening the said market of Smithfield at unreasonable hours, and by selling cattle or sheep in winter time before day, very often stolen cattle or sheep are sold, and, when once drove out of the said market, it is hard to find them out: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of February one thousand seven hundred and twenty three the said markets of Smithfield, and all other markets in this kingdom for the sale of cattle or sheep as aforesaid, shall not be opened, or the cattle or sheep exposed to sale before the hour of six in the morning from Lady-day till Michaelmas, nor before the hour of eight in the morning from Michaelmas till Lady-day, at which hours the market-bells shall toll to give notice thereof; and that no butcher or other person shall buy or contract for cattle or sheep on the road coming to market within six miles of such market; but that all such cattle or sheep shall be publickly sold in the said markets after the hours before mentioned,

Altered and  
amended 23 G.  
2. 15.

Abuses in  
markets by  
combination  
of salesmen  
with butchers;

and by sell-  
ing stolen cat-  
tle in Smith-  
field at unsea-  
sonable hours.

Markets  
shall not be  
opened for sale  
of cattle be-  
fore 6 from  
Lady day, nor  
before 8 from  
Michaelmas:

Market bells  
to toll.

Cattle not  
to be bought  
on the road  
within 6 miles  
of market, but  
publickly sold  
in market.

A. D. 1723. Chap. 10. **tioned; and that every person or persons, acting contrary to the true intent and meaning of this act, shall forfeit the sum of ten pounds, to be paid to the informer, and to be recovered by civil bill in such courts, where proceedings by civil bill may by law be had and made; and that any person or persons, taking upon him or them to sell cattle or sheep in the said market of Smithfield as a salesman as aforesaid, shall enter into and give good and sufficient security by way of recognizance before the lord mayor of the city of Dublin for the time being, to be approved of by the said lord mayor, who is hereby empowered to take the same, in the penalty of five hundred pounds; which recognizance shall be lodged in the Tholsel-office to be perused and made use of, as occasion shall require, without fee or reward, and shall be made with condition, That such salesman or salesmen shall and will faithfully and honestly account for and pay such sum or sums of money, which he or they shall sell any cattle or sheep for, which shall be sent to him or them to be sold; and that such salesmen shall make such sale publickly and openly without fraud or deceit; and that any person acting as a salesman, not having given such security as is herein before directed, shall for every such offence forfeit the sum of ten pounds, to be paid to the informer, and to be recovered in manner aforesaid.**

**II. And be it enacted by the authority aforesaid, That every such salesman shall at the time, that he shall account with his principal for any cattle by him sold, give a note signed by him, in which shall be inserted the names of the buyers of such cattle, and the sum or sums of money they were sold for; and in case the owner or owners of such cattle shall think him or themselves aggrieved or defrauded by the said salesmen, then it shall and may be lawful to and for the lord mayor of the city of Dublin for the time being, or any other magistrate within the said city or liberties thereof, at the request of the parties aggrieved, to summon the buyers of such cattle so sold, and to examine on oath such buyers, or other person or persons, as they shall think proper, in relation to the sale of the said cattle; and if upon examination it shall be found, that such salesman shall have committed any fraud in not justly accounting and paying for such cattle sold as aforesaid, the lord mayor for the time being, or other magistrate, is hereby required to bind over such salesmen to appear in his Majesty's court of King's-bench the first day of the next following term, or at the quarter-sessions for the city of Dublin, which shall first happen, in order to be prosecuted as a common cheat, and the recognizance shall also be put in suit against such salesman and his sureties, for the making satisfaction to the party**

Penalty 10l. to informer, by civil bill.

Salesmen in Smithfield to give recognizance 500l. before lord mayor, lodged in Tholsel, to account honestly and pay the money, and to sell openly without fraud.

23 G. 2. 15.

and when he accounts shall give a note, with names of buyers and the sums received, any magistrate may summon and examine on oath as to the sale;

and if fraud found in salesman, may bind over to B. R. or quarter-sessions to be prosecuted as cheat;

Recognizance to be also put in suit,

party or parties aggrieved, for the damages he or they shall by A. D. such fraud have respectively sustained; and such salesman shall enter into a new recognizance with like sureties; and under the like conditions, before he shall be permitted to act as a salesman as aforesaid, under the like penalties as are herein before inflicted on a person acting as a salesman without giving such security.

1723.  
Chap. 10.  
and salesman  
to give new  
recognizance  
before he acts.  
23 G. 2. 15.

III. Provided always, and it is the true intent and meaning of this act, That nothing herein contained shall hinder or prevent any person or persons, or those, whom he or they immediately employ (other than and except such salesman as aforesaid) from selling his or their cattle without any the restrictions aforesaid.

not to hinder persons,  
or those immediately employed, (except such salesman) from selling their cattle without said restrictions.

IV. And be it further enacted by the authority aforesaid, That if any such salesman or salesmen as aforesaid, or any other person employed by them, shall use any means or contrivance to hinder the owner or owners of cattle, or his or their servant or servants, from selling his or their own cattle in the said market, and the same shall be proved before the lord mayor of the city of Dublin for the time being, or such magistrate as aforesaid, he or they shall for every such offence forfeit the sum of forty shillings, to be forthwith levied by distress and sale of the goods and chattels of such offender by warrant of the said lord mayor, or other magistrate as aforesaid, and paid to the use of the poor of the said city, returning the overplus; and, in default of payment and of sufficient distress, the offender to be publickly whipt in the said market, by vertue of some warrant under the hand and seal of the said lord mayor, or such magistrate as aforesaid.

Salesmen endeavouring to hinder owners from selling.  
penalty 40s or to be whipt.

V. And whereas butchers and other persons, buying cattle in the country to carry to be slaughtered, are often under a necessity to hire strangers to drive the said cattle, who for private advantage often exchange and dispose of some of the best of the said cattle, and put much worse in their stead, and it is often practised by persons, that sell parcels of cattle to butchers and others for slaughtering, that they do after such sale exchange part of the cattle so sold for those of a much less value: for remedy whereof, be it further enacted by the authority aforesaid, That if any such person or persons shall knowingly exchange any such cattle in manner as aforesaid, he or they shall be deemed a common cheat or cheats, and shall satisfy and pay to the party aggrieved treble the damages by him or her sustained; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Dublin, wherein noessoign, protection, or wager of law shall be allowed, nor any more than one imparlance.

Drivers of cattle to slaughter, or vender thereof, exchanging them for worse, deemed cheats, and to pay treble damages.

VI. And

A. D. VI. And whereas it often happens, that butchers and others buying sheep and cattle from graziers, notwithstanding they agree to take the said cattle away at a certain day, yet leave them on the grazier's hands for a considerable time longer; which not only prevents the grazier from making sale of his cattle again, but likewise prevents their bringing store-cattle in their room, to the great damage of the grazier: for remedy whereof, be it further enacted by the authority aforesaid, That if any butcher or other person, buying sheep or cattle as aforesaid, shall leave them on the grazier or sellers hands longer than five days after the time limited and appointed to take off such sheep or cattle, that then after the expiration of the five days aforesaid the owner of such sheep or cattle is hereby empowered to sell and dispose of his said sheep and cattle again, and the butcher or buyer of such cattle shall be obliged to pay all damages, sustained by the said owners of such cattle on account of his or their not taking them away according to agreement.

Seller may dispose of the cattle again if left on his hands above 5 days after the time agreed, and buyer to pay the damages.

2 Anne 15.

Continuance 2 years, &c.

Continued

11 G. 2. 13.

19 G. 2. 15.

21 G. 2. 7.

23 G. 2.

8. continued.

4 years, &c.

and so far as

not altered or

amended by

23 G. 2. 15.

thereby conti-

nued 2 years,

&c. from 1

June 1750.

made perpe-

tual 29 G. 2.

8.

VII. And be it further enacted by the authority aforesaid, That this act shall be publickly read at the next spring quarter sessions of the peace in the city of Dublin, and every county in this kingdom.

VIII. Provided, That this act shall stand and be in force for the space of two years, and from thenceforth to the end of the next session of Parliament, and no longer.

## C H A P. XI.

### *An Act for the relief of insolvent debtors.*

10 W. 3. 1.  
4 Anne 13.  
9 Anne 10.  
2 G. 1. 23.  
6 G. 1. 17.  
10 G. 1. 11.  
1 G. 2. 25.  
9 G. 2. 20.  
23 G. 2. 17.  
29 G. 2. 17.  
1 G. 3. 16.

1 Anne 25.

Eng.

2 and 3 Anne

16. Eng.

6 G. 1. 22.

Eng.

11 G. 1. 21.

Eng.

2 G. 2. 20.

Eng.

21 G. 2. 31.

Eng.

28 G. 2. 13.

Eng.

29 G. 2. 18.

Eng.

**F**ORASMUCH as great numbers of persons, now detained in custody in prison, are reduced to very great poverty through many misfortunes, that have attended them, whereby they are disabled from giving satisfaction to their creditors, and by being detained in prison are rendered useless, and a burthen to this kingdom: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all persons, who were actually confined in prison by legal commitments or process, without fraud or collusion with their creditors or others, upon the twenty fifth day of March one thousand seven hundred and twenty three, and who have ever since such commitment continued in prison upon any action or actions, or mesne process, for debt or other actions whatsoever, which may become judgments, or who have judgment or judgments entered upon record against them, or are charged in execution, or imprisoned upon attachments for debt, or other action or actions, or upon outlawry or outlawries before or after judgment for debt, case, or trespass, or upon any other process whatsoever issued out of any court of law or equity for debt, damages, or costs, who shall take the oath, and perform all and singular matters and things herein after mentioned, shall and may be released and discharged from their

## The tenth year of George I.

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their imprisonment, and the debts owing by them, in such manner as herein after is provided.

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Chap. 11.

II. And be it enacted, That it shall be lawful for any justice of the peace of any county, city, town, or liberty, within this kingdom by warrant under his hand and seal to require the sheriff or sheriffs, goaler or goalers, or keeper of any prison, within his or their respective jurisdictions, to bring before the justices of the peace at the next quarter-sessions for the respective county, city, town, or liberty, the body of any person, being in prison for debt, or upon any other action or process as aforesaid, on the day aforesaid, and who shall petition such justice of the peace to be discharged; which warrant every such sheriff, goaler, or keeper, is hereby commanded to obey under the pain and forfeiture of twenty pounds sterling for every delay, neglect, or refusal, to be paid to the prisoner obtaining such warrant; and to be recovered of any such sheriff, goaler, or keeper of any prison, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law, or more than one imparlance shall be allowed; and such prisoner, coming before such justice of the peace at the said sessions, shall in open court take and sign an oath to the effect following:

*I A. B. do upon my corporal oath in the presence of Almighty God solemnly swear, profess, and declare, that I am not worth in land, money, stock, or any other estate real or personal, in possession, reversion, or remainder, to the value of five pounds sterl. in the whole, over and above the effects contained in a schedule now delivered in by me, or sufficient to pay the debt or damage for which I am imprisoned; and that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any part of my land, money, goods, stock, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted: and that there are not, nor is to my knowledge or belief, any lands, tenements, or hereditaments, goods, chattels, debt, or other interest whatsoever, assigned or conveyed to any person or persons whatsoever in trust for me, or my wife, or any child, or any other person, which is any way subject to my order, or under my power, or by which I am any way intitled to any benefit or advantage, other than what is contained in the said schedule now delivered in by me; and that I was actually a prisoner within the prison of \_\_\_\_\_ at the suit of \_\_\_\_\_ and have so continued until this day.*

*So help me God.*

III. And be it further enacted by the authority aforesaid, That the justice of the peace, who shall grant such warrant for bringing such prisoner before the justices of the peace at their next sessions, shall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and seal, that he has granted such warrant, and that the prisoner has petitioned him to be discharged; and the said summons or notice shall be left with or served upon such person or persons, his or their executors, administrators, attorneys, or agents, lawfully authorized, to be left at the dwelling-house or usual place of abode; to whom the prisoner shall stand indebted, at least twenty days before such quarter-sessions, thereby appointing as well the said persons, as the said prisoner, to appear before the justices at the next general sessions of the peace to be held for the same county, city, town, or liberty; and when it shall appear upon oath before the said justices, that the said summons was so served or left twenty days or more before the said sessions, and the said oath, taken by the said prisoner, be not disproved by good testimony of any credible person upon oath (to be administered by the said justices of the peace) then such justices of the peace in their said sessions, being satisfied therewith, shall thereupon without fee or reward by their warrant command the sheriff, goaler, or keeper, of any prison to set at liberty the prisoner, paying

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to

A. D. 1723.  
Chap. II. to the marshal or keeper of such prisons, where he is confined, such fees, and such sum for lodging or chamber-rent, as by law he is intitled unto ; which warrant shall be a discharge to the sheriff, goaler, or keeper of any prison, and indemnify them against any escapes.

IV. And be it further enacted by the authority aforesaid, That no prisoner, that shall be discharged by vertue of this act, shall at any time hereafter be imprisoned for any debt, damages, or costs, for which he, she, or they were committed to prison before the twenty fifth day of March one thousand seven hundred and twenty three, or for any debt or damages, which he, she, or they had contracted, or were by him, her, or them, owing and due before the said twenty fifth day of March ; and, that upon any arrest for such debt or damages, it shall and may be lawful to and for him, her, or them, shewing a duplicate of his, her, or their discharge, which he, she, or they are to have without fee, to retain an attorney to appear for him, her, or them, and file common bail only, and no more to be required to every action, and plead thereunto that he, she, or they, were discharged by vertue of this act, without setting forth any of the matters and things required to be performed by this act, it being to be left to the plaintiff to shew any failure therein by his replication, if he shall think fit ; so that the plaintiff, if he pleases, may recover and enter up judgment against such prisoner, to be executed and levied upon the lands, tenements, goods, and chattels of such prisoner (his or her wearing apparel, and necessary furniture for his or her dwelling house, and the furniture or necessary tools for his or her occupation, not exceeding in the whole five pounds, and such goods as he or she hath had or shall have upon fresh credit, after such his or her discharge, only excepted) but not upon his, her, or their person, which shall for ever hereafter be freed and discharged from imprisonment for any such debt, damages, or costs, for which they were confined, nor which was contracted, due, and owing by them before the said twenty fifth day of March.

V. And be it further enacted That if any sheriff, goaler, or keeper of any prison, shall refuse or delay to bring the prisoner to the quarter sessions in order to his discharge, or detain the prisoner, after he shall be discharged, his fees, lodging, or chamber-rent, being paid as aforesaid, every such sheriff, goaler, or keeper of such prison, shall forfeit and pay the prisoner twenty pounds ; to be recovered by civil bill before the judge or judges of assize, or before such judge or Kings council as shall hold sessions in the county of Dublin, or by bill, plaint, or information, in any of his Majesty's courts, where no essoin, protection, or wager of law shall be allowed ; and also shall be liable to such fine, not exceeding five pounds, as the justices of the peace in their discretion shall think fit to impose.

VI. And be it further enacted by the authority aforesaid, That upon any action of escape, or other suit, to be brought against any justice of the peace, sheriff, goaler or keeper of any prison, for doing their office in pursuance of this act, they may plead the general issue, and give this act in evidence ; and if the plaintiff be nonsuited, or shall discontinue his action, or verdict pass against him, or judgment be given against him upon demurrer, the defendant shall have treble costs.

VII. Provided, That the discharge of any person shall not acquit any other, jointly or severally bound for the said debt or debts, or any part thereof, either as principal or security ; but that every such person or persons shall be answerable for the said debt or debts, and damages, in such manner as they were before.

VIII. And be it further enacted by the authority aforesaid, That this act shall not extend to discharge any person in execution for any fine on him or her imposed for any offence, committed or done against the King's Majesty.

IX. Provided, That every prisoner on mesne process, if it shall be desired by any creditor, before the justice of the peace, to whom the prisoner shall apply for his discharge, shall forthwith give a warrant to some attorney to appear and file common bail, and receive a declaration ; and such prisoner shall thereupon have the full benefit of this act, as to the liberty of his or her person upon the said mesne process, and against any judgment or execution, that shall be had against him or her



her in such suit, that shall be brought against him or her, to all intents as fully as if he or she had been charged in execution the said twenty fifth day of March one thousand seven hundred and twenty three: but such persons, being in prison upon such mesne process, in such case of refusal to give such warrant of attorney, shall lose the benefit of this act.

X. And be it enacted by the authority aforesaid, That every prisoner, before he or she shall be discharged, shall make oath before such justice of the peace, to whom the prisoner shall apply for his discharge, of what effects are belonging to him or her, or in trust for him or her, or over which he or she hath any power, or out of which he or she is intitled to any advantage or benefit either in law or equity, and of what debts are owing to him or her, and by whom, and for what cause, and upon what security, and shall make a schedule thereof in the presence of the justices, and subscribed by the prisoner; which shall be returned by the justices to the next sessions, there to remain for the better information of the creditors of such prisoner; and also shall be obliged before his discharge to assign such debts or securities to the clerk of the peace of such county, city, town, or liberty, where he or she shall be discharged, in trust and to the sole use and benefit of his or her creditors; they indemnifying such clerk of the peace from all costs and charges in law and equity; by virtue of which assignment all such debts and securities shall be actually vested in such clerk of the peace, subject to such trust as aforesaid; and the said creditors, or such of them as will join, may thereupon sue for such debts, or so much thereof as will reasonably satisfy them, in the name of such clerk of the peace; and, after the same shall be recovered and received, shall render the overplus to the prisoner, such clerk of the peace being first indemnified, and the debts and charges of such creditors first deducted.

XI. And be it enacted by the authority aforesaid, That any person, who shall be discharged by this act, having taken the above mentioned oath, and shall hereafter be lawfully convicted by indictment, that he, she, or they, have not fully and truly discovered, disclosed, and inserted in the schedule delivered in and signed by them at the time of their discharge, all their goods, wares, merchandizes, money, effects, estate real or personal, whether in possession, reversion, or remainder; to the best of his, her, or their knowledge, as is in and by the oath above mentioned more fully expressed, shall suffer as a felon without benefit of clergy.

XII. Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall by reason of this act incur the penalty of felony, that then such felons goods and estate shall go to, and be divided amongst, his creditors; any law, usage; or custom, to the contrary notwithstanding.

XIII. And for the better discovery of all such prisoners estate, be it enacted by the authority aforesaid, That all and every person and persons, who shall have accepted of any trust or trusts, and conceal and protect any estate real or personal, of any prisoner discharged by this act as aforesaid, from his, her, or their creditors, and shall not, within ten days after notice thereof given in writing by any creditor or creditors of such prisoner, discover and disclose such trust and estate by notice in writing, to be filed with the clerk of the peace of such county, city, town or liberty, where such prisoner was discharged by this act, and thereby fully setting forth all the said estate, whether real or personal, so intrusted with him or them, shall for every such default, or wilful omission, forfeit the sum of twenty pounds, and double the value of the estate either real or personal so concealed, to and for the use and benefit of the said creditors; to be recovered by action of debt at the expence of the creditors in any of his Majesties courts of record in the name of such clerk of the peace for the county, city, town, or liberty, to whom the prisoner had assigned all his effects as delivered in his schedule as aforesaid; in which case costs shall be allowed to either party, as in other cases is used.

XIV. Pro-

A. D.  
1723.  
Chap. II.

XIV. Provided always, That no person, who shall stand charged in execution, or be in custody on mesne process at the suit of any one person, for more than two hundred pounds principal money really due, or at the suit of several persons for more than four hundred pounds principal money really due, shall be discharged by vertue of this act; any thing to the contrary thereof notwithstanding.

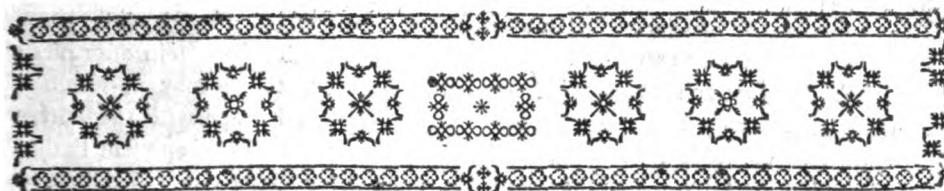
XV. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to give any benefit, ease, discharge, or release to Daniel Donelly, late of the city of Dublin, sadler, or Paul *alias* Walter Bayly, now prisoners in the custody of the Marshal of the Four-courts, who have severally imposed notoriously on, and wilfully defrauded, their creditors.

XVI. Provided also, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend unto the release or discharge of Thomas Grace, now in custody of the marshal of the Four-courts Dublin at the suit of the executors of Henry Luttrell esquire; deceased; but that he the said Thomas Grace shall be and continue in goal or safe custody, as if this act had never been made.

XVII. Provided also That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to give any benefit, ease, discharge, or release to any person or persons whatsoever, now in custody of any marshal or goaler within this kingdom of Ireland at the suit of any person or persons, bodies corporate or politick, for rent, or arrears of rent which became due and payable out of any lands, tenements, or hereditaments, where he, she, or they owing such rent or arrears of rent, or any other person or persons deriving by, from, or under him, her, or them, is or are in possession of all or any of such lands, tenements, or hereditaments, or to any person or persons now in custody at the suit of any person or persons, bodies corporate or politick, for any maim or assault, or for any publick money received by any person or persons whatsoever, now in custody for the same.



T H E



A. D.

1725.

THE  
TWELFTH YEAR.  
OF  
GEORGE I.



CHAP. I.


*An Act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes: and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom; and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts; and also for granting a further additional duty upon brandy or spirits above proof; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned: and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof.*

**W**E your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being highly sensible of your Majesties tender regard for the security and welfare of this kingdom, in grateful acknowledgment thereof, and for the better support of your Majesty's government, and securing the repayment of that debt, which was contracted to enable your Ma-

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jesty

A. D. 1725. Chap. i.  jesty to put this kingdom in a posture of defence, when an unnatural and horrid rebellion broke out in Great Britain against your Majesty, have in the most cheerful manner unanimously granted to your Majesty the several duties herein after mentioned: and for that end do humbly beseech your Majesty, that it may be enacted, and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the several and respective additional rates, duties, and impositions for and upon beer, ale, strong waters, tobacco, and other goods and merchandizes, which in and by one act of Parliament

2 G. I. 1. made and passed in the second year of his Majesty's reign, intituled, *An act for granting to his Majesty an additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, were granted unto his Majesty, or chargeable in manner therein mentioned, from the twenty first day of November one thousand seven hundred and fifteen, during the space of six kalendar months; and which by one other act made and passed in the second year of his Majesty's reign were continued until the twenty first day of November in the year of our Lord one thousand seven hundred and seventeen inclusive; and which by one act made and passed in the fourth year of his Majesty's reign were continued until the twenty first day of November in the year of our Lord one thousand seven hundred and nineteen inclusive; and which by another act passed in the sixth year of his Majesty's reign were continued until the twenty fifth day of December one thousand seven hundred and twenty one inclusive; and which by one other act made and passed in the eighth year of his Majesty's reign were continued until the twenty fifth day of December one thousand seven hundred and twenty three inclusive; and which by one other act made and passed the last session of Parliament in the tenth year of his Majesties reign, intituled, *An act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom, and upon brandy or spirits above proof, and on tea, coffee, chocolate, and cocoa-nuts, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, be further granted, raised, continued, levied, collected, and paid, unto his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty five, until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive.

The additional duties on beer, &c. granted by 2 G. I. 1. and continued from time to time, further continued to 25 Dec. 1727.

II. And be it further enacted by the authority aforesaid, That the several and respective additional rates, duties, and impositions for and upon all sorts of wines, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, imported into this kingdom, which in and by one act of Parliament made and passed in the second year of his Majesty's reign, intituled, *An act for granting unto his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned*, were granted unto his Majesty, or chargeable in manner therein mentioned, until the twenty first day of November one thousand seven hundred and seventeen inclusive; and which by an act made and passed in the fourth year of his Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the re-payment*

2 G. I. 3.  
4 G. I. 2.

payment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof, were further continued until the twenty first day of November in the year of our Lord one thousand seven hundred and nineteen inclusive; and likewise the further and other additional duties and impositions on beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, which in and by the said last mentioned act were granted unto his Majesty until the twenty first day of November one thousand seven hundred and nineteen inclusive; which several and respective additional duties and impositions upon all sorts of wines, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, imported into this kingdom, and upon beer, ale, *aqua vitæ*, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, by an act made and passed in the sixth year of his Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which by the said act made and passed in the eighth year of his Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty three inclusive; and by the before mentioned act made and passed the last session of Parliament, in the tenth year of his Majesty's reign, intituled, *An act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom, and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for securing the repayment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, be further granted, continued, raised, levied, collected, and paid to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty five, until the said twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive.

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Additional duties granted by 2 G. 1. 3. and continued, further continued to 25 Dec. 1725.

III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued, and also for a further supply to his Majesty, all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of his Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, by the before mentioned act passed in this kingdom in the sixth year of his Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth

4 G. 1. 2.

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fifth day of December one thousand seven hundred and twenty three inclusive, by the before mentioned act passed in the eighth year of his Majesties reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, by the before mentioned act passed in the last sessions of this present Parliament, shall be and continue in full force to all intents and purposes from the said twenty fifth day of December one thousand seven hundred and twenty five until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive.

Additional duty on brandy, &c. 3 s. and 4 d. per gallon.

IV. And be it enacted by the authority aforesaid, That for the further supply, to be granted to his Majesty from and after the twenty fifth day of December one thousand seven hundred and twenty five until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive, there shall be raised, collected, levied, and paid unto his Majesty, his heirs and successors, throughout this his Majesties kingdom of Ireland, for and upon all brandy or spirits above proof, that shall be imported into this kingdom during the time aforesaid; the further additional duty herein after mentioned, (that is to say) for every gallon of such brandy or spirits above proof the sum of three shillings and four pence, and so proportionably for a greater or lesser quantity.

6 G. I. 4.

V. And be it further enacted by the authority aforesaid, That the several additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act passed in this kingdom in the sixth year of his Majesty's reign, intituled, *An act for continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also on all sorts of wines, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for continuing the further additional duty on ale, beer, and strong waters and spirits perfectly made, and upon spirits made and distilled of wine, and for granting an additional duty on molasses, treacle, tea, coffee, chocolate, and cocoa-nuts, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, from the first day of September one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which were further granted from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, and which were further granted by the before mentioned act passed the last session of this present Parliament from the twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, be further granted, and continued, levied, raised, and paid, to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty five, until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive.

Duties, thereby granted, continued to 25 December 1727,

to trustees of hemp-manufacture.

VI. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures, and the trade thereof, in this kingdom.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby granted or continued, shall be raised, answered, collected, and paid, unto his Majesty, his heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures,

feitures, and with such powers as are appointed, directed, and expressed in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with like remedy of appeal to and for the party grieved, as in and by the said act of excise is provided.

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14 & 15 G.  
2. 8.

VIII. And be it further enacted by the authority aforesaid, That all and every person and persons having upon the twenty fifth day of December one thousand seven hundred and twenty five, or who shall have at any time from and after the said twenty fifth day of December one thousand seven hundred and twenty five, until the twenty fifth day of December which will be in the year of our Lord one thousand seven hundred and twenty seven inclusive, any office, salaries, profits of employments, fees, and pensions, upon the civil or military establishments in this kingdom, shall pay unto his Majesty, his heirs and successors, the full sum of four shillings *sterling* out of every twenty shillings a year, which he, she, or they, do or shall receive or be intitled unto by reason of such office, salaries, profits of employments, fees, and pensions, unless such person or persons do and shall live and actually reside within this kingdom for and during the space of six calender months at least in each of the said years; which said tax or duty of four shillings *sterling* out of every twenty shillings a year as aforesaid shall be stopped and deducted yearly, during the time and term aforesaid, by the vice-treasurer, pay-master, and receiver-general of his Majesty's revenues, and be accounted for to his Majesty, his heirs and successors.

IX. Provided always, and it is hereby declared, That this act shall not extend to charge the said tax or duty of four shillings *sterling* a year on every twenty shillings as aforesaid upon the salary, pension, fees, or profits of employment, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the salaries, fees, pensions, pay, or profits of employment, payable to any person or persons, who shall by his or their offices and employments be obliged to an immediate attendance upon the persons of his sacred Majesty, or their royal Highnesses the prince and princess of Wales, or their issue, during their continuance in such their respective offices and employments; or to the pay of the officers of the army, or half-pay officers, upon the establishment of this kingdom.

X. And be it further enacted by the authority aforesaid, That the six pence *per* pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majesty this present session of Parliament, shall be received by the said vice-treasurer, receiver, or pay-master general, for the use of his Majesty, his heirs or successors, and shall be duly accounted for by him or them to his Majesty, his heirs and successors, as a further and additional aid hereby given and granted.

XI. And whereas his Majesty's faithful commons in the first session of this present Parliament, the better to enable his Majesty to provide for the defence and safety of this kingdom, did resolve, That whatever sums of money should be advanced and paid into his Majesty's treasury by any person or persons at the instance of their excellencies the then lords justices, or other chief governor or governors of this kingdom for the time being, for the defence thereof, should be made good with legal interest for the same out of such aids, as should be granted to his Majesty the then next session of Parliament: and whereas for the better securing such sum or sums as should be so advanced, it is provided by an act passed in the first session of this Parliament, intituled, *An act for continuing to his Majesty the additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, that

2 G. 1. 7.

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such

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Loan of  
50,000l. in pur-  
suance thereof,

at 7l. per cent.

such sum or sums of money, as should be so advanced and paid into his Majesty's treasury, should be repaid unto such person or persons, as should lend or advance the same, his, her or their executors, administrators, or assigns, with legal interest, out of the next aids to be granted by Parliament, without any deduction: and whereas the sum of fifty thousand pounds hath been advanced and paid into his Majesty's treasury in pursuance of the said resolution and act of Parliament, which debt still remains due and unsatisfied: be it further enacted by the authority aforesaid, That such person or persons, who have advanced or paid into his Majesty's treasury any sum or sums of money, being part of the said principal sum of fifty thousand pounds, their executors, administrators, or assigns, shall continue to have and receive, and be well and truly paid at the receipt of his Majesty's Exchequer by the hands of the vice-treasurer or pay-master general, his or their deputy or deputies, every six months the interest of the respective sum or sums of money, so by them advanced, at the rate of seven pounds *per cent. per annum*, without fee or charge, during the time the said principal sum of fifty thousand pounds, or any part thereof, shall continue unpaid, and free from all manner of deductions, defalcations, and abatements whatsoever, out of such his Majesty's treasure or revenue as shall come to his or their hands, until they are respectively paid and satisfied the respective principal sums, so by them paid and advanced as aforesaid; and if any part of the said principal sum of fifty thousand pounds shall be due and unpaid on the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty seven, the same shall be well and truly satisfied and paid unto the several and respective persons, their executors, administrators, or assigns respectively, to whom the same shall be then due, together with such legal interest for the same, at the rate of seven pounds *per cent.* as aforesaid, as shall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever.

XII. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned and appointed be paid out of the additional duties and aids, granted and continued to his Majesty by this present act, to the persons hereafter mentioned: (that is to say) a sum of three hundred pounds *sterling* to Bruen Worthington, and two hundred pounds *sterling* to Isaac Ambrose, clerks of the house of commons, as rewards for their respective attendance and services this session of Parliament; and the further sum of two hundred pounds *sterling* to the said Bruen Worthington and Isaac Ambrose, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the house of commons; and also the sum of two hundred pounds *sterling* to John Kerr, clerk assistant; three hundred pounds *sterling* to Richard Povey, serjeant at arms, for his attendance on the house of commons; two hundred and fifty pounds *sterling* to William Bayley, and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds *sterling* to John Fieldhouse and Bartholomew Mc. Dannell, door-keepers of the house of commons, to be equally divided between them; which said several last mentioned sums are given to the said several persons as rewards for their several services, attendances, and expence, this session of Parliament; and also the sum of three hundred pounds *sterling* to Matthew Pennefather esquire, accountant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation laid before the house of commons this session of Parliament; and also the sum of two thousand pounds *per annum*, during the space of two years, be paid to the trustees of the linnen manufacture, to encourage the raising sufficient quantities of hemp and flax in this kingdom; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

CHAP.





CHAP. II.

*An act to prevent the fraudulent and clandestine importing of goods.*

**W**HEREAS the several laws already made for the preventing the unlawful and clandestine running of goods and merchandizes imported into this kingdom, and for the encouragement of the fair trader, have been rendered ineffectual by the several frauds, that have been committed, and are daily practised, to the great diminution of his Majesty's revenue, and the impoverishment of such persons as pay the duties : and whereas, for the better carrying on such private and fraudulent trade, exciseable goods and merchandizes are frequently taken in at sea by fishing boats, or other coasting vessels, out of some ship or vessel, in order to be brought into this kingdom : be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That in case any exciseable goods, wares, or merchandizes, shall after the twenty fifth day of April, which shall be in the year of our Lord one thousand seven hundred and twenty six, be unshipped or taken in at sea, or out of any ship or vessel whatsoever, in order to be landed, or put into any other vessel, ship, or boat, within the limits of any port in this kingdom, without first paying, or securing according to law, the customs and other duties payable for the same, the master or other person having charge of such ship, boat, or other vessel, into which any such goods, wares, or merchandizes, shall be taken or put as aforesaid, shall forfeit treble the value of such goods, wares, or merchandizes, unless in case of distress or necessity, of which the master or other person having charge of such ship, boat, or other vessel, shall immediately give notice, and make sufficient proof of before the chief officer or officers of the revenue of the first port of this kingdom, where he shall arrive ; and the master, purser, or other person, taking charge of the ship or vessel, out of which such goods shall be taken at sea (unless in case of necessity as aforesaid) shall also forfeit treble the value of such goods so unshipped ; one moiety of which forfeiture to be for the use of his Majesty, his heirs, and successors, and the other moiety to such person or persons, who shall inform or sue for the same in such manner, as is herein after mentioned.

14 and 15 C.  
2. 9.  
6 G. 1. 8.  
33 G. 2. 10.  
The laws against running of goods, ineffectual.

Exciseable goods taken in at sea in boats, &c. to be imported.  
Exciseable goods unshipped at sea, or put into any other vessel within limits of a port, without paying duties, master of each vessel forfeits treble value, unless a necessity, of which immediate notice and sufficient proof.

II. And whereas great quantities of tobacco made up in small trusses, bundles, bags, rolls, or casks, are daily imported, with an intent that the same may be more easily and privately carried off and conveyed away without paying the duties payable thereon : for prevention thereof, be it enacted by the authority aforesaid, That from and after the twenty fifth day of April, which shall be in the year of our Lord one thousand seven hundred and twenty six, no tobacco so made up shall be imported or brought into this kingdom, or to any port, harbour, haven, or creek thereof in any other manner than in hogheads, casks, or vessels, or other package, not containing less than three hundred pound weight, from the isle of Man, or from any other place, from and after the first day of May in the year aforesaid, upon pain of forfeiting the said tobacco, or the value thereof.

Tobacco not to be imported, unless in hogheads, &c. of 300l. weight.  
33 G. 2. 10.

III. And whereas to the great loss of the revenue, and the ruin of the fair trader, great quantities of brandy, strong-waters, and spirits, and also tobacco and other goods of the growth or manufacture of Asia, Africa, and America, are secretly imported into this kingdom in small ships and vessels, or boats, under the burthen of twenty tuns, from the isle of Man : for prevention of which be it enacted by the authority aforesaid, That if any tobacco, brandy, strong-waters, spirits, or such goods and merchandizes of the growth or manufacture of Asia, Africa, or America, shall from and

If tobacco, spirits or such goods of growth or manufacture of Asia, Africa, or America, imported or found in any vessel under 20 tun. from isle of Man, and

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except for private use on board, two pound of tobacco, and one gallon of spirits each person,

forfeiture of the vessel and goods, or the value.

If goods shipped for export, for which a drawback, re-landed or unshipped without licence, or in distress forthwith made known,

treble value forfeited by the master, and also the owner of the goods.

No drawback, unless oath by master also not to re-land, unless in real distress.  
12 G. I. 28.  
sec. 24. Eng.

Quaker to make affirmation.

Knowingly to harbour, sell, or buy, run-goods,

and after the said twenty fifth day of April one thousand seven hundred and twenty six be imported or brought into the kingdom of Ireland, or into any port, harbour, or creek thereof, from the isle of Man, or shall be found in any ship, vessel, or boat, under the burthen of twenty tuns from the isle of Man, except for the private use of the master, seamen, and passengers on board such ship, or vessel, or boat, not exceeding two pounds weight of tobacco, and one gallon of brandy, strong-waters, or spirits for each seaman and passenger; every such ship, vessel, or boat, with all her tackle, furniture, and apparel, or the value thereof, and also such tobacco, brandy, strong waters, spirits, or any goods of the growth or manufacture of Asia, Africa, or America, shall be forfeited, and shall and may be seized by any officer of the revenue; and in case such vessel or goods cannot be seized, the master, or other person having charge of the vessel, in which such goods were imported, shall forfeit the value thereof; one moiety of which forfeiture shall be for the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall inform or sue for the same, and shall and may be recovered in such manner, as is herein after mentioned.

IV. And for the better preventing of frauds in drawbacks, be it enacted by the authority aforesaid, That if any goods or merchandizes shipped to be exported, for which any allowance is to be made, or drawback given, by the laws now in force in this kingdom upon the exportation thereof, shall be re-landed or unshipped in any port or place in the kingdom of Ireland, or shall be put on board any boat or other vessel at any creek, haven, or port thereof, or at sea, in order to be re-landed, contrary to the true intent and meaning of this act, without the license of one or more of the principal officers of such port or place first had and obtained, or unless it be in case of distress to save the said goods from perishing, which shall be made known forthwith to one of the officers of the port, where such ship shall arrive, the master, purser, or other person having the charge of such ship, out of which such goods shall be unshipped, and also the owner of such goods and merchandizes, shall forfeit treble the value thereof; one moiety to his Majesty, his heirs and successors, and the other moiety to the informer, to be recovered as is herein after mentioned.

V. And for the more effectual prevention thereof, be it further enacted by the authority aforesaid, That from and after the first day of April one thousand seven hundred and twenty six no allowance shall be made to such merchant or exporter, or payment made for or on account of any drawback, that he may be intitled to upon the exportation of any goods, unless, over and above the oath and the certificate already required, the master also of the ship or vessel, in which the said goods are to be exported, shall make oath before the collector or other chief officer of the port, where such goods are shipped, that to the best of his knowledge and belief the same are not intended to be re-landed, and that he will not permit or suffer the said goods, or any part of them, to be re-landed in any port, creek, or haven of the kingdom of Ireland, unless in case of real distress, to save the goods from perishing; which oath the said collector or other chief officer is hereby empowered and required to administer.

VI. Provided always, That if such master or exporter be a known Quaker, that in such case the solemn affirmation of such master or exporter shall and may be taken instead of such oath.

VII. And whereas the persons, that are employed in running goods, and defrauding his Majesty of the several duties payable for exciseable goods and merchandizes, are greatly encouraged in such clandestine trade by such persons as for their private lucre receive, sell, and buy such goods and merchandizes; wherefore for the better discovery of and prevention of the sale of all goods and merchandizes and commodities whatsoever, which are liable to any duties or excise, and for which no duty hath been paid or entry made, or that have not been legally condemned: be it enacted by the authority aforesaid, That from and after the first day of April, which shall be in the year of our Lord one thousand seven hundred

and twenty six, in case any person or persons shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, or shall sell or expose to sale, or buy, any such exciseable goods or merchandizes, knowing that the same were run, such person or persons shall, over and above the forfeiture of such goods, forfeit and lose treble the value of such goods.

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Forfeiture thereof and treble value.

VIII. And whereas by the laws relating to the excise it is amongst other things enacted, " That if any difference or matter of controverſie should happen to arise " between any merchant, trader, or dealer, and the commissioners, sub-commis- " sioners, collectors, or other officers therein mentioned, it might be lawful for " every such person or persons to make his appeal to the lord lieutenant, deputy, or " other chief governor or governors and privy council of Ireland, or such as they " should appoint under the great seal: " and whereas there is no time limited in and by the said laws for bringing such appeal, whereby great inconveniences have happened as well to the subject as to his Majesty's revenue: for remedy whereof, be it enacted by the authority aforesaid, That such person or persons, who shall think himself or themselves aggrieved by any judgment or sentence of the said commissioners, sub-commissioners, collectors, or other officers, shall make his, her, or their appeal unto the said lord lieutenant, lord deputy, or other chief governor or governors and privy council of Ireland, or such as shall be appointed by commission under the great seal pursuant to the said laws, within the space of two calendar months next after such sentence or judgment shall be given, and in default thereof, that no appeal shall be afterwards received.

14 and 15 C. 2.  
8. sec. 54.

Appeal from commissioners, &c. must be within two months.

IX. And whereas it frequently happens, that divers goods and merchandizes are brought into his Majesty's store-houses for want of being entred, and because the duties are not paid and secured, as the law directs, which goods do often remain there for so long a time, that they become perished and of no value, whereby his Majesty hath lost the duties payable on the importation of the said goods: for prevention thereof be it enacted by the authority aforesaid, That from and after the said first day of April, which shall be in the year of our Lord one thousand seven hundred and twenty six, the commissioners of the revenue, or any three or more of them, the collectors, or other chief officer of the port for the time being; in their respective districts, in all cases where goods are or shall be brought into his Majesty's store-houses, for the security of the customs or other duties due thereon, shall cause all goods so brought into his Majesty's store-houses as aforesaid, which shall have remained there for the space of six months, the subsidies and duties not paid, or otherwise secured, as the law directs, to be publickly sold by auction or inch of candle as soon as conveniently they can; and after such sale the produce thereof shall be first applied towards the payment of the customs and duties due thereupon, and in the next place the charges of the warehouse-room, freight, and other charges, and the overplus shall be paid to the proprietor, or other person, authorized to receive the same.

Goods lodged in King's stores for security of duties, and left six months, may be sold by auction, to pay the same and charges, the surplus to proprietor.

X. Provided always, That, before any such sale of goods shall be made, one months notice thereof, and of the place, day, and hour of making such sale, shall publickly be posted up at the Custom-house, and also at the Tholfel or market-house of the port, where the said sale is to be made.

One month's notice of sale to be publickly posted,

XI. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and twenty six all and every person and persons, who shall be found passing knowingly and wittingly with any exciseable goods or commodities; landed from any ship or vessel without the due entry and payment of the duties chargeable thereon, in his, her, or their custody, from any of the coasts of this kingdom, within the space of ten miles of any of the said coasts, and shall be five or more in company, and shall wear any vizard, mask, or other disguise, when passing with such goods or commodities as aforesaid, shall, being convicted thereof, be deemed, and taken, and adjudged guilty of felony, and shall for such his, her, or their offence be transported as a felon to some of his Majesty's plantations in America, there to remain for the space of seven years;

Passing with run goods within ten miles of the coast, five in company, disguised, felony, and transportation seven years.

V O L. V.

O o

and,

A. D.

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Chap. 2.

Returning before, felony without clergy. Offender in three months, and before conviction, discovering two accomplices (so as convicted) acquitted.

14 and 15 G. 2. 9. Rule 10. 33 G. 2. 10. 6 G. 1. 12. sec. 3. Eng. Merchants may spill damaged wine in presence of the officer, and shall be immediately repaid the duty;

and the quantity entered in the merchant's warrant.

6 G. 1. 12. sec. 4. Eng. and have allowance for freight, &c. for the wine destroyed, for German, 4 l. per tun: French, 40 s.: Spanish, &c. 6 l. paid, without delay or fee, by certificate, out of the duties.

Not to diminish prize or butlerage. 6 G. 1. 12. sec. 7. Eng.

No allowance for decayed wine, unless imported directly from place of growth, &c. 8 G. 1. 18. sec. 19. Eng.

Obstructing persons deputed by writing by

and, in case any such offender or offenders shall return to this kingdom before the expiration of the said seven years, he, she, or they so returning shall suffer as felons, and have execution awarded against him, her, or them, as persons attainted of felony without benefit of clergy, or of the statute.

XII. Provided always, and be it enacted by the authority aforesaid, That if any person, who shall be guilty of any offence of felony afore-mentioned, shall within three months after such his offence, and before his conviction, discover two or more of his accomplices therein to the commissioners or sub-commissioners of his Majesty's revenue; or to any one or more of them, so as such accomplices, or any two of them at least, be convicted of such offence; the offender so discovering shall be clearly acquitted and discharged of and from such his or her offence.

XIII. And whereas frequent disputes do happen between the merchants and officers of the customs touching and concerning damaged wines, the same depending for the most part on the taste thereof: and whereas such corrupt wines are highly prejudicial both to his Majesty's revenue, and the health of his Majesty's good subjects of this kingdom: for the effectual preventing thereof, be it enacted by the authority aforesaid, That in case any merchant or other person shall find his wine, or any part thereof, in his judgment so damaged; corrupt, or unmerchantable, as not to be worth the duties, in such case such merchant shall have liberty immediately after the landing the said wines to stave and spill the same in the presence of such officer or officers; as shall be appointed for that purpose by the commissioners of his Majesty's revenue, or any three or more of them, or the collector, or other chief officer of the port where the said wines shall be imported; and that the merchant so staving and spilling such wine shall be repaid the whole duty, paid by him for the same, without any delay, charge, fee, or deduction, on any pretence whatsoever; and that, in order to certify the quantity of wine so destroyed, the proper officer, appointed for discharge of the ship importing the same, shall make an entry thereof at the foot of the merchants warrant.

XIV. And be it further enacted by the authority aforesaid, That, over and above the duties repaid as aforesaid, the merchant or other person shall, for every tun of wine of the growth of Germany, or wines which pay duties as such, so destroyed, be allowed as a compensation for the freight and other charges the sum of four pounds; and for every tun of wine of the growth of France so destroyed the sum of forty shillings; and for wines of the growth of Portugal, Spain, and elsewhere, the sum of six pounds, and so proportionably for a greater or lesser quantity; which allowances shall without any delay be paid by certificate out of the duties payable to his Majesty; and the proper officer or officers are hereby required and directed to make and pay such certificate without fee or reward.

XV. Provided, and be it enacted by the authority aforesaid, That any thing herein contained, or to be done in execution thereof, shall not extend, or be construed to extend, to diminish or lessen the duties of prize or butlerage of wines due upon the importation of the same; but that the same shall be collected and paid in the same manner, as if this act had never been made.

XVI. Provided also, and be it further enacted, That no allowance shall be made for any such corrupt and decayed wine, unless such wine shall be imported in casks directly from the country or place of the growth of such wine, or the usual place of its first shipping; but the same shall be staved, unless the full duty be paid for the same.

XVII. And whereas it frequently happens in several ports of this kingdom, that upon the arrival of many ships at the same time there are not officers of his Majesty's revenue sufficient in such port or district to take the charge and care of the said ships upon them; by which means the collector, or other chief officer of such port or district, is obliged to employ other persons, and place them in such ships or vessels for the better collecting and securing his Majesty's revenue: and whereas such persons so appointed are frequently obstructed by the masters of such ships or vessels, and other evil minded persons, on pretence that such persons so deputed are

not

not legal and commissioned officers : for remedy whereof be it enacted by the authority aforesaid, That if any master, or other person having the charge of any ship or vessel, shall refuse to permit any person or persons authorized or deputed by any writing signed by the collector, or other chief officer of the port or place where such ship or vessel shall arrive, to take the care and charge of such ship or vessel upon him or them, or to enter into such his ship, vessel, gabbar, hoy, barque, or boat, or remain on board, or shall lett, hinder, or obstruct such person or persons so deputed in doing or performing such matters and things, as he or they shall be authorized or deputed to do or perform as aforesaid, the master, or other person so offending, shall for every such offence forfeit the sum of fifty pounds ; to be recovered in manner as is directed in and by an act made in the fourteenth year of the reign of King Charles the second, intituled, *An act for settling the excise and new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted.*

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1725.

Chap. 2

the officer to take charge of a vessel,

Penalty 50 l.

as by 14 C. 2. 8.

XVIII. And be it enacted by the authority aforesaid, That the commissioners of excise, or any three or more of them, or the sub-commissioners of excise respectively in their respective districts, shall be, and are by this present act authorized and required to hear and determine all offences against any clause or article herein before mentioned (other than the offences, for which the persons convicted are liable to transportation) in a summary way, and to give judgment and sentence, and levy the fines, penalties, and forfeitures thereupon : and such fines, penalties, and forfeitures, shall go and be distributed in such manner and form in all respects, as are prescribed in an act made in the fourteenth year of the reign of King Charles the second, intituled, *An act for settling the excise and new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted ;* with the like remedy of appeal to and for the party agrieved, as in and by the said act is provided.

Any three commissioners, or the sub-commissioners, may determine offences summarily, except where transportation.

Penalties as

by 14 C. 2. 8.

XIX. And whereas the officers of his Majesty's revenue and their assistants are very frequently assaulted and beaten in the due and legal seizing and securing of exciseable goods, imported into this kingdom, run, or endeavoured to be run, his Majesty's duties not paid, or after seizure the same are frequently rescued, or wilfully destroyed or damaged, to the end that neither his Majesty, or the officer or officers, or the informer or informers, should reap the profits arising from such seizures, according to the laws of the land : for remedy thereof be it enacted by the authority aforesaid, That from and after the first day of April one thousand seven hundred and twenty six if any person or persons whatsoever shall unlawfully assault or beat any officer or officers of his Majesty's revenue, or his or their assistant or assistants, in the due seizing or securing any exciseable goods, wares, or merchandizes, which he or they hath or have reasonable cause to suspect to be liable to a seizure by the laws of the land, or by force or violence rescue or carry away, or shall procure to be rescued or carried away, any such goods, wares, or merchandizes, after legal seizure as aforesaid, or shall at or after such seizure destroy or damage the said goods, wares, or merchandizes, or any part of them, that then and in every such case, every person so offending, being thereof legally convicted, shall for the first offence forfeit and lose the sum of one hundred pounds, and upon failure of payment thereof shall suffer imprisonment for the space of twelve months, and for the second offence shall be transported to some of his Majesty's plantations in America, there to continue for the term of seven years.

Assaulting revenue officers or assistants in seizing, where reasonable suspicion, or rescuing or damaging the goods,

penalty, first offence 100 l. or 12 months imprisonment :

second, transportation seven years.

Continuance, till 25 March 1728, &c.

continued and amended by several statutes, and by 31 G. 2. 6. for two years, &c.

Repealed 33 G. 2. 10. except as to such parts as therein mentioned, which act is amended and continued two years, &c. by 1 G. 3. 7.

XX. Provided always, That this act shall continue and be in force until the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty eight, and from thence to the end of the then next session of Parliament, and no longer.

CHAP.

A. D.

1725.

## C H A P. III.

*An act to prevent marriages by degraded clergymen and popish priests, and for preventing marriages consummated from being avoided by precontracts, and for the more effectual punishing of bigamy.*

Popish priests, &c. or degraded or pretended clergyman of the church of Ireland, celebrating marriage between protestants or so reputed, or a protestant and papist, felony without clergy.

6 Anne 16.

19 G. 2. 13.

the marriage void, if by popish priest,

23 G. 2. 10.

yet felony in him.

**W**HEREAS clandestine marriages are for the most part celebrated by popish priests and degraded clergymen, to the manifest ruin of several families within this kingdom: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That if any popish priest, or reputed popish priest, or person pretending to be a popish priest, or any degraded clergyman, or any layman, pretending to be a clergyman of the church of Ireland as by law established, shall after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six celebrate, or take upon him to celebrate, any marriage between two protestants, or reputed protestants, or between a protestant or reputed protestant and a papist, such popish priest; or reputed popish priest, and such degraded clergyman, and layman, pretending to be a clergyman, shall be, and is hereby declared to be, guilty of felony, and shall suffer death as a felon without benefit of the clergy or of the statute.

Two justices may summon persons suspected to be so married, or present (not above 10 miles from their abode) and examine on oath as to the marriage, religion, and those present.

**II.** And for the better discovering and convicting such offenders, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two justices of the peace in their respective counties by warrant or warrants under their hands and seals, directed to any constable or constables, to summon any person or persons suspected to be married by such popish priest or degraded clergyman, or layman pretending to be a clergyman of the church of Ireland as by law established, or to have been present at the celebration of such marriage, to appear before such justices at the time and place in such warrant mentioned, not being more than ten miles distant from his, her, or their usual place of abode, and to examine such person or persons upon oath, where, and by what person or persons, and with what form and ceremonies such marriage was celebrated, and what religion the person or persons so married professed, and who were present at such marriage: and if the person or persons so summoned shall neglect or refuse to appear according to such summons, or shall refuse to be examined as aforesaid, or after examination shall refuse

On refusing to appear (having no lawful impediment) or to

use to enter into a recognizance to prosecute at the next assizes; A. D. such person or persons, as shall appear by such examination to have 1725. offended contrary to the true intent and meaning of this act, such Chap. 3. person or persons so refusing or neglecting to appear, having no lawful impediment, or refusing to be examined and answer, or after examination refusing to enter into recognizance as aforesaid; shall be committed by the said justices to the common goal of the said county, there to remain without bail or mainprize for the space of three years; unless he, she, or they, shall sooner submit to be examined as aforesaid before the said justices of the peace, or one of them, or, in case of their absence or refusal, before some other justice of the peace for the said county; and shall enter into a recognizance to appear at the next general assizes to be held for the county, where the offence was committed, to prosecute such person or persons, as shall appear by such examination to have offended contrary to the true intent and meaning of this act; in which case it shall and may be lawful to and for such justice of the peace by warrant under his hand and seal, directed to the gaoler or keeper of the said goal, to deliver and discharge such person or persons out of the said goal, and from his, her, or their commitment as aforesaid.

be examined, or to give recognizance to prosecute,

imprisonment 3 years, unless submitting sooner.

III. Provided, That no such examination shall subject the party examined to any prosecution, penalty, or forfeiture whatsoever, or be admitted to be given in evidence against the person so examined, unless such person shall be indicted for having committed wilful perjury in such examination.

Such examination shall not subject to penalty, or be given in evidence, unless indictment for perjury.

IV. And whereas some doubts have arisen, whether marriages consummated by carnal knowledge can be avoided by pre-contracts without consummation, which has been the ground of many vexatious suits: for remedy whereof, and to prevent all doubts concerning the same for the future, be it enacted and declared, That no contract of marriage only, not consummated by the carnal knowledge of the parties, shall be of any force towards making void a subsequent marriage consummated by such carnal knowledge.

33 H. 8. 6. s. 1. no contract of marriage only, not consummated, shall avoid subsequent marriage consummated.

V. And whereas by an act made in the reign of King Charles the first, intituled, *An act for the restraining of all persons from marriage till their former wives and former husbands be dead*, it is enacted, "That if any person or persons being married, or which hereafter shall marry, do at any time marry any person or persons, the former husband or wife being alive, that then every such offence shall be felony, and the person and persons so offending, shall suffer death as in case of felony:" and whereas divers persons, having been found guilty of such

Recital of 10 C. 1. 21. s. 2.

**A D.** offence, have yet escaped the punishment of death, by claiming the benefit of the clergy or of the statute: be it enacted by the authority aforesaid, That from and after the first day of November one thousand seven hundred and twenty six if any person, convicted of such offence, shall claim the benefit of clergy, or of the statute, and such claim shall be by the court allowed, such person, instead of being burned in the hand, shall by the said court be ordered to be transported to some of his Majesty's plantations in America, and shall be transported accordingly in such manner, as persons convicted of a capital felony are to be transported.

1725.  
Convict of bigamy claiming and allowed clergy, &c. instead of burning in the hand shall be transported as convicts of capital felony.

## C H A P. IV.

*An act for the better regulating the office of sheriffs, and for the ascertaining their fees, and the fees for suing out their patents, and passing their accounts.*

**F**OR the greater ease of sheriffs in the execution of their offices, and passing their accounts: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the several officers of his Majesty's high court of Chancery, and court of Exchequer in this kingdom, and their respective substitutes, deputies, agents, and clerks, and all other officers and persons whatsoever, having and claiming any fee or reward whatsoever from any sheriff, deputy-sheriff, or sub-sheriff, for making out his or their patents or commissions, or the *dedimus* for swearing them into their office, or for entering their recognizance or security, or for writing out and return of their process, or for their appraisals or casting out of court, or for passing their accounts, or for making their *quietus est*, or for any other matter or thing touching or concerning their sheriffalty, may from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six severally and respectively for themselves, and the persons for whom they act or officiate, take and receive for their pains and service in the matters aforesaid the several fees or sums of money, in the schedule or list hereafter mentioned and specified, over and besides the allowance on the establishment; all which fees in the said schedule mentioned, the said several officers, deputies, clerks, and other persons, may claim, take, and receive from time to time, and shall not demand, take, or receive any other

3 G. I. 15.  
Eng. All persons claiming fees from sheriffs concerning sheriffalty shall take only the fees in the schedule here specified.

or



or greater fee or reward whatsoever in any wise touching or concerning the premisses in the said schedule mentioned, or any other matter or thing relating to the patent, or swearing of any sheriff of any county mentioned in the said schedule, or to the passing of his accounts; and if any person shall offend therein, such person shall forfeit to the party aggrieved five pounds, and treble the sum by him taken over and above the just fees mentioned in the said schedule, together with his treble costs; all which shall be ordered, awarded, and given, to the party aggrieved by the court of Exchequer on complaint and proof of such offence made and exhibited before the barons of the said court in such short and summary way and method, as to them shall seem meet.

A. D.  
1725.  
Chap. 4.  
Penalty to the party 5 l. and treble the sum and costs, on complaint in Exchequer in summary way.

II. And be it enacted by the authority aforesaid, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six all sheriffs, who shall levy any debts, duties, or sums of money whatsoever (except post fines) due, or hereafter to be due to his Majesty, his heirs or successors, by process to them directed upon the summons of the Pipe or Green-wax by *levari facias* out of the court of the Exchequer, shall from time to time for their care, pains, and charges, and for their encouragement therein, have an allowance upon their accounts of twelve pence out of every twenty shillings for any sum not exceeding one hundred pounds so by them levied or collected, and the sum of six pence only for every twenty shillings over and above the first hundred pounds, and for all debts, duties, and sums of money (except post fines) due or to become due to his Majesty, his heirs and successors, by process, and *feri facias*, and extent issuing out of any of the offices of the said court of Exchequer, the sum of one shilling and six pence out of every twenty shillings for any sum not exceeding one hundred pounds, so by them levied or collected, and the sum of twelve pence only for every twenty shillings over and above the first hundred pounds.

Sheriffs levying debts to the King (except post-fines) by *levari fa.* out of Exchequer allowed 1 s. per pound for 100 l. and 6d. per pound afterwards:

on *fi. fa.* and extent, 1 s. 6 d. per pound for 100 l. and 1 s. afterwards:

III. Provided always, such sheriff shall duly answer for the same upon his account by the day, on which he ought to be dismissed the court, or in such time to which he shall have a day granted by the court to finish his account, and not otherwise.

duly answering for the same on his account.

IV. And be it enacted by the authority aforesaid, That no sheriff or sub-sheriff shall be attached or taken into custody by any officer of the court of Exchequer, or other person whatsoever, for not being apposed on any writ or process for not finishing his accounts in due time, or for any contempt or neglect whatsoever relating to his account, but by writ under the seal

No sheriff shall be attached for any contempt or neglect on his account, but by writ under seal of

A. D. of the said court of Exchequer, or by warrant for that purpose  
 1725. to be signed by the lord chief baron of the said court for the  
 Chap. 4. time being, or in his absence by either of the other barons,  
 to be executed by the purfivant of the said court, or his deputy;  
 in which warrant the name of such sheriff or sub-sheriff shall be  
 particularly inserted, and his offence particularly specified and  
 expressed.

Exchequer, or  
 warrant of a  
 baron specifying  
 his name  
 and offence.

Officers, &c.  
 hindering she-  
 riff in passing  
 accounts, or  
 his being ap-  
 posed in due  
 time, or not  
 delivering his  
*quietus*, shall  
 make satisfac-  
 tion as ordered  
 in summary  
 way by Exche-  
 quer.

V. And be it enacted by the authority aforesaid, for prevent-  
 ing delays and unnecessary attendance of sheriffs in passing their  
 accounts, That from and after the twenty fifth day of April  
 one thousand seven hundred and twenty six if any officer, clerk,  
 or other person concerned in or about the passing sheriffs ac-  
 counts, shall wilfully retard or hinder any sheriff in the passing  
 his accounts, or by his wilful neglect, absence, or other undue  
 means or ways prevent any sheriff from being apposed or east out  
 of court in due time, or, after payment or tender of his or their  
 due fees herein ascertained, shall refuse or neglect to inroll, make  
 out, sign, and deliver, his *quietus* in due time, in every such case  
 the persons so offending shall make such satisfaction and recom-  
 pence to the party aggrieved, as shall be adjudged, ordered, or  
 decreed, by the barons of the court of Exchequer, upon com-  
 plaint thereof made and exhibited before them in such short and  
 summary way and method, as to them shall seem meet.

On sheriff's  
 death, sub-  
 sheriff shall  
 continue to act  
 in his name,  
 till another  
 sworn;

and answer-  
 able during  
 the interval;

and his se-  
 curity shall re-  
 main.

VI. And whereas great inconveniencies have arisen by the  
 death of sheriffs during the time of their sheriffalty: be it enacted  
 by the authority aforesaid, That if any high-sheriff of any  
 county of this kingdom shall happen to die before the expiration  
 or determination of his year, or before he be lawfully super-  
 seded, in such case the under-sheriff, or deputy-sheriff by him  
 appointed, shall nevertheless continue in his office, and shall  
 execute the same, and all things belonging thereunto, in the name  
 of the said deceased sheriff, until another sheriff be appointed for  
 the said county, and sworn in manner as is herein after directed;  
 and the said under-sheriff or deputy-sheriff shall be answerable  
 for the execution of the said office in all things, and to all re-  
 spects, intents, and purposes whatsoever during such interval, as  
 the high-sheriff so deceased would by law have been, if he had  
 been living; and the security given to the high-sheriff so deceased  
 by the said under-sheriff, and his pledges, shall stand, remain,  
 and be a security to the King, his heirs and successors, and to all  
 persons whatsoever, for such under-sheriffs due performance of his  
 office during such interval.

VII. And

VII. And whereas the office of sub-sheriff or under-sheriff, and other offices and places in the disposal of the high-sheriff, have of late years been frequently sold and lett to farm, whereby many great inconveniencies have happened to the subjects of this kingdom by the oppressions and exactions of sub-sheriffs or under-sheriffs, bailiffs, and other officers concerned in the execution of the King's process: for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six it shall not be lawful to or for any person or persons whomsoever to buy, sell, lett, or take to farm, the office of sub-sheriff or under-sheriff, deputy-sheriff, seal-keeper, county-clerk, shire-clerk, goaler, bailiff, or any other office or place pertaining to the office of high sheriff of any counties or shires of this kingdom, or to contract for, promise, or grant, for money, or other reward or benefit, the said offices or places, or any of them, or to give, take, promise, or receive any other consideration whatsoever for the said offices, or any of them directly or indirectly by themselves, or any person in trust for them, or for their use; and whosoever shall offend therein, shall forfeit the sum of five hundred pounds; a moiety whereof to his Majesty, his heirs and successors, and the other moiety thereof to such person or persons as shall sue for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Dublin; in which no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance: provided that such suit be commenced within two years after such offence committed, and not otherwise.

A. D.  
1725.  
Chap. 4.

No office  
pertaining to  
sheriffs shall be  
sold or farm-  
ed.

Penalty 500l.  
to the King  
and prosecu-  
tor:

Prosecution  
in two years.

VIII. Provided, That nothing herein before contained shall any ways hinder or prevent such high sheriff from constituting and appointing a sub-sheriff, under-sheriff, or deputy-sheriff, to act in his stead, as by law he ought to do, nor to hinder the sub-sheriff or under-sheriff, in case of the high sheriff's death, when he acts as high sheriff, from constituting or appointing a deputy, which he is hereby impowered to do, nor to hinder, prevent, or abridge such sheriff, sub-sheriff, or under-sheriff, from demanding, taking, or receiving, the just and lawful fees and perquisites of the office of sheriff, or any place or employment pertaining thereunto, or nominating or appointing any such officer, or from taking security for the due answering the same; nor to discharge, hinder, or prevent such sub-sheriff, under-sheriff, deputy-sheriff, seal-keeper, county-clerk, shire-clerk, goaler, bailiff, or other person having or executing any place or office under such sheriff, from accounting to the high sheriff for

Not to hin-  
der appointing  
sub-sheriff, nor  
him from ap-  
pointing de-  
puty on death  
of high sheriff,

nor the tak-  
ing just fees,  
or nominating  
officers, or  
their account-  
ing to high  
sheriff, nor his  
taking secu-  
rity:

A. D. 1725. Chap. 4. all such just and lawful fees and perquisites, as shall by them, or any of them, be taken and received in their respective offices, places, and employments, nor for giving security so to do; nor to hinder or prevent the high sheriff from allowing or securing such salary or recompence to his sub-sheriff, or under-sheriff, deputy-sheriff, seal-keeper, county-clerk, shire-clerk, goaler, bailiff, or other officer, for the execution of the said offices, places, or employments, or any of them, as to him shall seem meet; nor to hinder or prevent the under-sheriff, deputy-sheriff, seal-keeper, or other officer or person aforementioned from taking and receiving such salary or recompence for his or their pains and services therein.

nor his allowing or their receiving a salary.

That sheriffs may not be hindered from accounting for want of estreats,

clerks not returning estreats amerced in Exchequer.

IX. And for the more effectual enforcing and obliging the respective clerks of assize, clerks of the peace, or other persons, to whom it doth or may belong to make returns of estreats into the court of Exchequer, to make out and deliver their respective estreats, duplicates, certificates, and schedules in due time, so that the sheriffs may not be hindered or retarded in the passing their accounts for want of the said estreats, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the barons of the court of Exchequer from time to time to amerce such clerk of assize, clerk of the peace, or other person, to whom it doth or may belong to make returns of estreats into the said court of Exchequer, for refusing, neglecting, or omitting to perform and do his or their duty in returning the said estreats, and to cause the said amerciaments to be levied and answered by such ways and means, and in such manner, as other amerciaments set in the said court may or have been used to be done.

No sheriffs, &c. levying debts to the King shall take any fee, except 4 d. for acquittance.

Bailiff, &c. receiving such

X. And for preventing of oppressions and injuries, which may happen to his Majesty's subjects by the abuse of sheriffs, sub-sheriffs, bailiffs, and others employed in levying and collecting any debts, duties, or sums of money due, or hereafter to become due, to his Majesty, his heirs or successors, by process of the court of Exchequer, be it enacted by the authority aforesaid, That no sheriff, sub-sheriff, or under-sheriff, bailiff, or other person employed in levying or collecting any the said debts, duties, or sums of money, shall take, ask, or receive, any fee, gratuity, or reward whatsoever, of the person or persons liable to pay the said debts, duties, or sums of money, or of any other person for or upon pretence of such levying or collecting, except the sum of four pence only for an acquittance for such sum as shall be so levied or collected; which acquittance such officer is hereby required to give and deliver to the person, upon or from whom such debts shall be levied, or collected, or received; and the bailiff or other

Other person receiving such debt or sum of money shall from A. D. time to time answer and account for the same to the sheriff or his sub-sheriff, or deputy, and may require also an acquittance from such sheriff or his deputy for such sum, who are hereby required to give the same without any fee or reward; of and from which debts and sums of money so levied, collected, or received as afore said the said sheriffs, and every of them, shall effectually discharge the said debtors and persons respectively by totting and answering the same to his Majesty, his heirs and successors, upon their respective accounts in the Exchequer; and in case any sheriff, sub-sheriff, under-sheriff, or deputy-sheriff, shall *nihil*, or not duly answer to the crown, any debt or sum of money so levied, collected, or received, such sheriff, sub-sheriff, under-sheriff, or deputy-sheriff, for every such offence shall forfeit treble damages to the party agrieved, and double the sum which is *nibiled*, or not duly answered as afore said; which said damages and penalty shall be ordered, decreed, and given to the person agrieved by the court of Exchequer, on complaint and proof of such abuse as afore said made and exhibited before the barons of the said court in such short and summary way and method, as to them shall seem meet; and in case any sheriff, under-sheriff, deputy-sheriff, bailiff, or other person shall presume to demand, take, or receive any sum or sums of money whatsoever, be the same more or less, of any person whatsoever, from whom any debt or sum of money is or shall be due or payable to the crown by process out of the court of Exchequer, for, or in respect, or upon pretence, of executing the said process, or for, or in respect, or upon pretence of fees due to them, or any of them, for collecting or receiving the same, contrary to the true intent and meaning of this act, or if any of the officers or persons afore said shall demand, take, and receive any sum or sums of money whatsoever for not levying or forbearing to levy any debts, duties, or sums of money, which are or shall be due to his Majesty, his heirs and successors, and written out to them, or any of them, by the process afore said; in all and every such case every person so offending, and being thereof lawfully convicted, shall be adjudged, deemed, and taken to be, guilty of extortion, injustice and oppression; and all and every such person and persons, being thereof lawfully convicted, shall forfeit for every such offence treble damages and costs to the party agrieved, and double the sum so extorted; all which damages and penalties shall be ordered, decreed, and given by the barons of the court of Exchequer, upon complaint and proof of such extortion made and exhibited before them in such short and summary way or method, as to them shall seem meet as afore said; provided such conviction

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debt shall account to the sheriff, and have acquittance without fee.

Sheriff to discharge such debts by totting in Exchequer.

Penalty treble damages to the party, and double the sum not answered:

taking any money from the King's debtor for forbearance, &c. extortion.

and treble damages and costs, and double the sum, in Exchequer, on complaint, in summary way,

if conviction in 2 years.

A. D. 1725. **Chap. 4.** **not to de-  
prive sheriff of  
allowance by  
this or any  
other act.** **vi**ction be had and made within two years after such offence com-  
mitted, and not otherwise.

**XI.** Provided, That nothing in this act contained shall be con-  
strued to deprive any sheriff of such poundage or allowance, as is  
allowed and given to them by vertue of this or any other act of  
Parliament made in this kingdom: but that the said sheriffs shall  
and may enjoy the full benefit and advantage of such poundage or  
allowance without any impeachment or molestation whatsoever;  
any thing in this act contained to the contrary thereof in any wise  
notwithstanding.

**XII.** And be it further enacted by the authority aforesaid, That  
whatever orders or decrees shall be made by the barons of the  
Exchequer for costs, damages, and penalties, in the cases afore-  
mentioned, or any of them, or in any other case in this act here-  
after mentioned, by vertue and in pursuance of this act, in such  
short and summary way and method as is herein before directed  
and prescribed, shall have the same effect, force, and vertue to all  
intents and purposes, as any other order or decree of the same  
court; and the said costs, damages, and penalties, shall be raised,  
levied, and obtained by such process, ways, and methods, as are  
used in the said court to enforce a compliance with any other  
orders or decrees of the same court.

**XIII.** And be it further enacted by the authority aforesaid,  
That instead of the oath usually administred to the sheriffs of this  
kingdom at the entring upon their offices the following oath  
shall be taken by them, and each of them respectively,

**Such sum-  
mary orders  
of Exchequer  
for costs and  
penalties shall  
have same  
force as other  
decrees.**

**Oath to be  
taken by high  
sheriff, instead  
of the former  
by 10 C. 1. 18.  
sess. 3.**

*I A. B. do swear, that I will well and truly serve the King's  
Majesty in the office of sheriff of the county of  
and promote his Majesty's profit in all things, that belong to my  
office, as far as I legally can or may: I will truly preserve the  
King's rights, and all that belongeth to the crown; I will not assent  
to lessen or conceal the King's rights, or the rights of his franchises;  
and whensoever I shall know, that the rights of the crown are con-  
cealed or withdrawn, be it in lands, rents, franchises, suits, or  
services, or in any other matter or thing, I will do my utmost to have  
them restored to the crown again; and if I may not do it myself, I  
will certifie and inform the King thereof, or some of his judges: I will  
not respite or delay to levy the King's debts for any gift, promise,  
reward, or favour, where I may raise the same without great griev-  
ance to the debtors; I will do right as well to poor as to rich, in all  
things belonging to my office; I will do no wrong to any man for any  
gift, reward, or promise, nor for favour or hatred; I will disturb*

no

no man's right, and will truly and faithfully acquit at the Exchequer A. D. 1725.  
all those, of whom I shall receive any debts or duties belonging to the crown: I will take nothing whereby the King may lose, or whereby his right may be disturbed, injured, or delayed; I will truly return and truly serve all the King's writs, according to the best of my skill and knowledge: I will take no bailiffs into my service, but such as I will answer for, and will cause each of them to take such oaths, as I do, in what belongeth to their business and occupation: I will truly set and return reasonable and due issues of them, that be within my bailiwick, according to their estate and circumstances, and make due pannels of persons able and sufficient, and not suspected or procured, as is appointed by the statutes of this realm: I have not sold nor lett to farm, nor contracted for, nor have I granted or promised for reward or benefit; nor will I sell or lett to farm, nor contract for, or grant for, reward or benefit by myself, or any other person for me, or for my use, directly or indirectly, my sheriffwick, or any bailiwick thereof, or any office belonging thereunto, or the profits of the same, to any person or persons whatsoever: I will truly and diligently execute the good laws and statutes of this realm; and in all things well and truly behave myself in my office for the honour of the King, and the good of his subjects, and discharge the same according to the best of my skill and power.

So help me God.

XIV. And be it further enacted by the authority aforesaid, That the following oath shall be taken by all sub-sheriffs or under-sheriffs of any county of this kingdom, before they enter upon the execution of their offices, viz.

by sub-sheriff, instead of the oath  
11 Anne 8.

I A. B. do swear, that I will well and truly serve the King's Majesty in the office of under-sheriff of the county of S.  
and promote his Majesty's profit in all things, that belong to the said office, as far as I legally can or may: I will preserve the King's rights, and all that belongs to the crown: I will not assent to lessen or conceal the King's rights, or the rights of his franchises; and whensoever I shall know, that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchises, suits, or services, or in any other matter or thing, I will do my utmost to make them to be restored to the crown again; and if I may not do it myself, I will certify and inform some of his Majesty's judges thereof: I will not respite or delay to levy the King's debts, for any gift, promise, reward, or favour, where I may raise the same without great grievance to the

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debtors:

A. D. 1725. *debtors: I will do right as well to poor as to rich, in all things belonging to my office: I will do no wrong to any man for any gift, reward, or promise, nor for favour or hatred: I will disturb no man's right, and will truly and faithfully acquit at the Exchequer all those, of whom I shall receive any debt, duties, or sums of money belonging to the crown: I will take nothing whereby the King may lose, or whereby his right may be disturbed, injured, or delayed: I will truly return and truly serve all the King's writs to the best of my skill and knowledge: I will truly set and return reasonable and due issues of them, that be within my bailiwick, according to their estates and circumstances; and make due pannels of persons able and sufficient, and not suspected or procured, as is appointed by the statutes of this realm: I have not bought, purchased, or taken to farm, or contracted for, nor have I promised or given any consideration, nor will I buy, purchase, or take to farm, or contract for, promise, or give any consideration whatever by myself, or any other person for me, or for my use, directly or indirectly, to any person or persons whatsoever, for the office of under-sheriff of the county of S. which I am now to enter upon and enjoy, nor for the profits of the same; nor for any bailiwick thereof, or any other office or place belonging thereunto: I have not sold or contracted for, or lett to farm; nor have I granted or promised for reward or benefit by myself, or any other person for me, or for my use, directly or indirectly, any bailiwick thereof, or any other place or office belonging thereunto: I will truly and diligently execute the good laws and statutes of this kingdom, and in all things well and truly behave myself in my said office for his Majesty's advantage, and for the good of his subjects, and discharge my whole duty according to the best of my skill and power.*

*So help me God.*

*said oaths shall be administered by commissioners, or by a baron.*

XV. And be it enacted by the authority aforesaid, That the said several oaths appointed to be taken by the high sheriff, sub-sheriff, and under-sheriff, shall be given and administered by such commissioners, as shall be named or authorized to administer the foregoing oath to the high sheriff as aforesaid in the country, when and so often as a commission or *dedimus* shall be sued forth of the proper court for that purpose, or by the barons of the said court of Exchequer, or one of them, when the said sheriffs shall desire to be sworn in town.

*For impannelling juries.*

XVI. And for the better impannelling and returning of able men and sufficient freeholders on juries, be it enacted by the authority aforesaid, That from and after the said twenty fifth day of



April the sheriffs of each county in this kingdom shall at their Michaelmas grand turn yearly, and every year for ever hereafter, in every barony in their several counties diligently inquire by the oath of twelve or more honest men (which oath such sheriff or their sub-sheriffs are impowered by virtue of this act to administer) and make a true return of all the freeholders having freehold lands or tenements of the yearly value of forty shillings *per annum*, or more, of each barony in each county; together with the name and fir-name of every such freeholder in each barony, in all and every the counties in this kingdom, with their additions; and shall return the same on oath, signed by him at every January quarter-sessions of the peace, to the then justices of the peace there sitting, to be deposited by them in the hands of the clerk of the peace of each county, or his deputy, yearly; and that the clerk of the peace of each county, or his deputy, shall return, transmit, and deliver a true copy thereof, signed by him, into each of his Majesty's Four-courts at Dublin; and in case any sheriff, sub-sheriff, or clerk of the peace, or his deputy, shall neglect or refuse to do his or their duty therein, such sheriff, sub-sheriff, clerk of the peace, or his deputy, for every such neglect or refusal shall forfeit to his Majesty, his heirs and successors, the sum of five pounds; to be recovered in a summary way before the judges or justices of that court, to which such return ought to have been made.

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Sheriffs at Michaelmas yearly shall inquire by oaths of 12 or more, and return all freeholders of 40 s. *per ann.* with their additions on oath at Jan. sessions, and deposite with clerk of peace,  
9 G. 2. 3.  
13 G. 2. 5.  
19 G. 2. 10.  
21 G. 2. 6.  
29 G. 2. 6.  
1 G. 3. 17.  
who shall transmit a copy to each of the 4 courts.  
Penalty on sheriff or clerk 5 l. before the judges of the court where &c.



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**The SCHEDULE or LIST in the act mentioned.**

*A Schedule of fees to be paid for passing the patents of the several sheriffs of the several counties in the kingdom of Ireland.*

*To the secretary to the lord lieutenant, or other chief governor or governors of this kingdom, for the time being,*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<b>F</b> OR warrant for the patent, one pound six shillings	01	06	00
To his clerk, five shillings and five pence	00	05	05

*To the lord chancellor's secretary,*

For the warrant to the hanaper, thirteen shillings and six pence	00	13	06
--	----	----	----

*To the clerk of the crown and hanaper, to be distributed, viz.*

King's silver, ten shillings	00	10	00
Lord chancellor, two shillings	00	02	00
His own fee for engrossing the patent, two pounds two shillings and eight pence	02	02	08
To his clerk, five shillings and five pence	00	05	05
To the purfivant of the court of Chancery, six shillings and eight pence	00	06	08
To the lord chancellor's purse-bearer, three shillings and six pence	00	03	06
To the lord chancellor's train-bearer, five shillings	00	05	00
To the lord chancellor's porter, one shilling	00	01	00
Chaff wax, two shillings	00	02	00
Three pounds eighteen shillings and three pence	03	18	03

*The twelfth year of George I.*

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*To the chief baron and his clerk,*

For taking the recognizance, fifteen shillings and ten pence	-	-	-	-	-	l. s. d.
						00 15 10
To the chief remembrancer, for entering the recognizance, two shillings and six pence	-	-	-	-	-	00 02 06

Total of the said fees for passing the patent of the high-sheriff of the county of Antrim, seven pounds one shilling and six pence	-	-	-	-	-	07 01 06
--	---	---	---	---	---	----------

The county of Armagh	-	-	-	-	-	the like.
The county of Catherlogh	-	-	-	-	-	the like.
The county of Cavan	-	-	-	-	-	the like.
The county of Clare	-	-	-	-	-	the like.
The county of Cork	-	-	-	-	-	the like.
The county of Donnegall	-	-	-	-	-	the like.
The county of Down	-	-	-	-	-	the like.
The county of Dublin	-	-	-	-	-	the like.
The county of Fermanagh	-	-	-	-	-	the like.
The county of Galway	-	-	-	-	-	the like.
The county of Kerry	-	-	-	-	-	the like.
The county of Kildare	-	-	-	-	-	the like.
The county of Kilkenny	-	-	-	-	-	the like.
The county of Leitrim	-	-	-	-	-	the like.
The county of Limerick	-	-	-	-	-	the like.
The county of Longford	-	-	-	-	-	the like.
The county of Lowth	-	-	-	-	-	the like.
The county of Mayo	-	-	-	-	-	the like.
The county of Meath	-	-	-	-	-	the like.
The county of Monaghan	-	-	-	-	-	the like.
The Queen's county	-	-	-	-	-	the like.
The King's county	-	-	-	-	-	the like.
The county of Roscommon	-	-	-	-	-	the like.
The county of Sligoe	-	-	-	-	-	the like.
The county of Tipperary	-	-	-	-	-	the like.
The county of Tyrone	-	-	-	-	-	the like.
The county of Waterford	-	-	-	-	-	the like.
The county of West-meath	-	-	-	-	-	the like.
The county of Wexford	-	-	-	-	-	the like.
The county of Wicklow	-	-	-	-	-	the like.

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*A Schedule of fees to be paid by the sheriffs of the several counties of Ireland, for passing their several accounts.*

<b>T</b> O the auditor-general's clerk, over and above the allowance on the establishment, six shillings and eight pence	l. s. d.
	00 06 08
To the secondaries and clerks, to the clerk of the pipe, over and above the allowance on the establishment, for making up the great roll for the sheriffs appofal, and making out the sheriffs <i>quietus est</i> , one pound two shillings and four pence	01 02 04
To the clerks in the office of the comptroller of the pipe, over and above the allowance on the establishment, eleven shillings and eight pence	00 11 08
To each of the baron's clerks on signing the transcript, two shillings and six pence	0 2 6
Seven shillings and six pence	00 07 06
To the clerk and secondaries in the chief and King's remembrancer's office, over and above the allowance on the establishment, three shillings and four pence	00 03 04
To the clerks and secondaries in the second and treasurers remembrancer's office, over and above the allowance on the establishment, one pound	01 00 00
To the clerks and secondaries in the clerk of the first fruits office, over and above the allowance on the establishment, three shillings and four pence	00 03 04
To the clerk and secondaries in the foreign apposer's office, over and above the allowance on the establishment, six shillings and eight pence	00 06 08
To the clerks and secondaries in the summonisters office, over and above the allowance on the establishment, one pound ten pence	01 00 10
To the cryer of the Exchequer on the sheriffs appofal, two shillings and six pence	00 02 06
To the keeper of the court of Exchequer, one shilling and a penny	00 01 01
To the tipstaff of the court of Exchequer, one shilling and a penny	00 01 01

Total

Total of the said fees for passing the accounts of the high-sheriff of the county of Antrim, five pounds seven shillings

05 07 00

The county of Ardmagh	-	-	-	-	the like.
The county of Catherlogh	-	-	-	-	the like.
The county of Cavan	-	-	-	-	the like.
The county of Clare	-	-	-	-	the like.
The county of Cork	-	-	-	-	the like.
The county of Donnegall	-	-	-	-	the like.
The county of Down	-	-	-	-	the like.
The county of Dublin	-	-	-	-	the like.
The county of Fermanagh	-	-	-	-	the like.
The county of Galway	-	-	-	-	the like.
The county of Kerry	-	-	-	-	the like.
The county of Kildare	-	-	-	-	the like.
The county of Kilkenny	-	-	-	-	the like.
The county of Leitrim	-	-	-	-	the like.
The county of Limerick	-	-	-	-	the like.
The county of Longford	-	-	-	-	the like.
The county of Lowth	-	-	-	-	the like.
The county of Londonderry	-	-	-	-	the like.
The county of Mayo	-	-	-	-	the like.
The county of Meath	-	-	-	-	the like.
The county of Monaghan	-	-	-	-	the like.
The Queen's county	-	-	-	-	the like.
The King's county	-	-	-	-	the like.
The county of Roscommon	-	-	-	-	the like.
The county of Sligo	-	-	-	-	the like.
The county of Tipperary	-	-	-	-	the like.
The county of Tyrone	-	-	-	-	the like.
The county of Waterford	-	-	-	-	the like.
The county of West-meath	-	-	-	-	the like.
The county of Wexford	-	-	-	-	the like.
The county of Wicklow	-	-	-	-	the like.

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## C H A P. V.

*An act for explaining and amending an act, intituled, An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation; and for preventing the destruction of salmon.*

10 Wil. 3. 2.  
2 Anne 15.  
6 Anne 12.  
2 G. 1. 16.  
4 G. 1. 12.  
8 G. 1. 7.  
10 G. 1. 9.  
13 G. 2. 12.  
21 G. 2. 7.  
Recital of  
10 G. 1. 9.  
The laws  
against abuses  
as to butter,  
tallow, and  
salt hides in-  
effectual.

Tallow casks  
shall have 12  
proportiona-  
ble hoops,

and branded  
with name  
and abode of  
the packer.

Penalty if  
bought, sold,  
exported, &c.  
otherwise,  
(knowingly)  
5 s. each cask;

**W**HEREAS an act passed in the tenth year of his present Majesty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the destruction of salmon*, and the several other laws already made to prevent frauds and abuses in packing and making up of butter and tallow, and weighing and making up of salt hides, have not had their due effect: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six every cask, wherein tallow shall be made up or packed, shall have thereon twelve sufficient hoops of a size proportionable to such cask, and no more; and every chandler or other person, that shall make up or pack tallow in any such cask, from and after the said twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six shall fix or brand the first letter of his christian name and his fir-name at length, with the place of his abode, upon every such cask; and that any person, who shall sell or expose to sale, export, or attempt to export, or that shall buy any cask or casks of tallow, that shall have thereon more or fewer than twelve hoops of proper size for such cask, or that shall not be branded with the person's name and place of abode, that made up or packed such tallow as aforesaid, knowing the same, being thereof lawfully convicted before the chief magistrate of the place, or a justice of the peace of the county or division where such offence shall be committed, by the oath of one or more credible witnesses or witnesses (which oath such chief magistrate or justice of the peace is hereby impowered to administer) or by the confession of the party, shall for such offence forfeit the sum of five shillings for every such cask so bought, sold, or exposed to sale, exported, or attempted to be exported as aforesaid; to be levied and raised by warrant

warrant under the hand of such chief magistrate or justice of the peace by distress and sale of the goods of the offenders; which warrant the said chief magistrate or justice of the peace is hereby required and impowered to issue; one moiety of which forfeiture shall go to the poor of the parish, where such offence was committed, and the other to the informer; and whatever shall remain of the price of such goods shall be given to the party, whose goods were so distrained; and for want of such distress the offender shall be committed to goal, there to remain without bail or mainprize for any time not exceeding ten days.

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to the poor and informer;

for want of distress imprisonment 10 days.

II. And be it enacted by the authority aforesaid, That from and after the said twenty fifth day of April one thousand seven hundred and twenty six no person or persons shall buy or sell for exportation any tallow or butter, made up in casks within any city, town, liberty, or division, where there are weigh-masters, or their deputies, appointed pursuant to this or the said former act or acts, such tallow or butter not being weighed and branded by such weigh-masters or their deputies; and if any person or persons shall so do, such person or persons so offending, being thereof lawfully convicted in manner before mentioned, shall forfeit the butter or tallow so bought or sold, to be distributed in manner aforesaid.

None shall buy or sell for exportation tallow or butter in casks in any place where weigh-masters are, if not weighed and branded, on pain of forfeiture as aforesaid.

III. And whereas great abuses are committed by persons packing up butter and tallow in casks, which have been formerly filled with butter and tallow, and branded by weigh-masters for being merchantable goods: for remedy thereof, be it enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and twenty six, where any cask or casks of butter or tallow have been once tried or marked by the proper weigh-masters or their deputies pursuant to the former act or acts, and such cask or casks have been emptied, any person or persons, who shall make up or pack butter or tallow in such cask or casks without having the same weighed, marked, and branded anew, pursuant to the method appointed by the said former act or acts for weighing, marking, or branding casks, wherein butter or tallow is to be made up or packed, shall for every such cask, that he shall so pack or make up any tallow or butter in, forfeit the sum of ten shillings, to be recovered, raised, and distributed in such manner as is herein before appointed.

Casks once tried or marked, and emptied, if butter or tallow packed therein, and not weighed and branded anew,

Penalty to each cask as aforesaid.

IV. And be it enacted by the authority aforesaid, That when ever any tallow or butter casks, or tallow or butter, are brought before the chief magistrate or justice of the peace, by any weigh-master or weigh-masters, or their deputy or deputies, as appearing to him or them to be unmerchantable, pursuant to the said former act, the said justice or chief magistrate is hereby required and

if brought before a magistrate as unmerchantable, he may summon the owner, &c. and

A. D. 1725. impowered to issue a summons in writing to the person or persons, that brought the same to be weighed and tryed, or to the person

Chap. 5. to whom the said goods shall belong, to appear before him, and attend such tryal; and if such person or persons shall refuse or

not appearing  
in 10 days,  
may proceed  
as by said act;

neglect to appear according to such summons in ten days after such summons or notice, the said justice or chief magistrate is hereby required and impowered to act and proceed as in and by

the said former act is directed: and in case the said justice or chief magistrate upon viewing and trying the same shall have any

doubt of the quality of the said goods, it shall and may be lawful to and for such justice or chief magistrate to summon two able

merchants of the place, and two other persons knowing and skilled in such commodities respectively; to examine in relation to the

quality of the said goods according to the said former act; and if such merchants or other persons shall neglect or refuse

to attend upon such summons according to the said former act, without assigning forthwith some sufficient or special cause for his

or their not attending or being examined, every such merchant or other person so neglecting or refusing shall forfeit the sum of ten

shillings, to be recovered and levied in such manner and form as is herein before mentioned, and distributed among the poor of

such parish, where such goods were seized.

V. And be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons after the twenty

fifth day of April one thousand seven hundred and twenty six to make, buy, or sell any empty cask or casks for packing butter for

sale, or export, or to make up and pack butter in any cask or casks of good seasoned beech; birch, willow, or sally, whereof no part

is of bogg timber, as well as of oak, ash, or fycamore, so as the same be made tight according to the several regulations laid down

in the former act; any thing in the said former act to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That no person or persons shall buy or sell any empty cask or casks for

packing butter for sale or export, unless such empty cask or casks be made according to the following contents: (*viz.*) no cask shall

contain less than half an hundred, and no cask more than three hundred, of neat butter; and every weigh-master or weigh-masters

shall brand every such cask, containing above two hundred weight of butter, with the tare that such cask shall really and truly

weigh, allowing at the rate of four pounds weight for every hundred for foakage.

VII. And be it enacted by the authority aforesaid, That every cooper, who shall make any cask or casks for packing butter for

sale or export, shall brand on every such cask the first letter of his

Cooper shall  
brand his  
name and a-  
bode on but-  
ter casks,

Butter casks  
may be of  
beech, birch,  
willow, or sal-  
ly, (not bog  
timber) as  
well as of  
oak, &c. not-  
withstanding  
10 G. 1. 9.

No cask  
shall contain  
less than half  
hundred, nor  
more than 300  
neat butter.

If above 200  
weight of but-  
ter, shall be  
branded with  
the tare; al-  
lowing 4 l. per  
100 foakage.

and, if the  
quality doubt-  
ful, may sum-  
mon 2 mer-  
chants and 2  
others skilled  
therein.

Penalty for  
not attending,  
unless cause  
assigned, 10 s.  
to the poor.



his christian name and his fir-name at length, with the place of his abode; and in case any cooper shall make any cask for packing butter for sale or export, other than of good seasoned oak, ash, sycamore, beech, birch, willow, or sally, or shall not brand the same, as is before directed, such cooper shall forfeit for every such cask the sum of five shillings, to be recovered, levied, and distributed in manner aforesaid; and in case any weigh-master or weigh-masters, his or their deputy or deputies, shall weigh or brand any cask for packing of butter not made and branded as aforesaid, such weigh-master or weigh-masters, his or their deputy or deputies, shall forfeit the sum of twenty shillings for every such cask, to be recovered, levied, and distributed, in manner aforesaid.

A. D. 1725.

Chap. 5.

Penalty on cooper 5 s.

if not so branded, penalty 20 s. on weigh-master, if he weighs or brands such cask,

VIII. And whereas great inconveniences have arisen from the weigh-masters or their deputies branding the tare on butter and tallow casks, by marking the same with numeral letters: be it enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and twenty six no weigh-master or weigh-masters, his or their deputy or deputies, shall brand the tare on butter or tallow casks with numeral letters, but instead thereof shall make use of figures in branding such casks; and in case any weigh-master or weigh-masters, his or their deputy or deputies, shall after the said twenty fifth day of April one thousand seven hundred and twenty six make use of numeral letters in branding the tare on butter and tallow casks, he or they shall for every such offence forfeit the sum of five shillings, to be recovered, levied, and distributed in manner aforesaid.

Weigh-master's brand shall be in figures,

Penalty 5 s.

IX. And whereas there has and may arise great inconveniences from weigh-masters or their deputies buying or selling butter, tallow, green or salt hides, at their respective weigh-houses: be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and twenty six no weigh-master or weigh-masters, his or their deputy or deputies, or any other person in trust for him, them, or any or either of them, appointed by this or the former act, or in pursuance thereof; for weighing butter, tallow, green or salt hides, in any city or town corporate, or in any place of export, shall buy, sell, contract, or treat for, at their respective weigh-houses, any butter, tallow, green or salt hides, in such city or town corporate, or place of export, where such weigh-master or weigh-masters, his or their deputy or deputies, shall be appointed pursuant to this or the former act, until such butter, tallow, green or salt hides, shall be legally weighed and branded, discharged and carried off from such weigh-house; and in case any weigh-

no weigh-master shall buy or sell at the weigh-house, before the goods legally carried off, on pain of forfeiture.

A. D. weigh-master or weigh-masters, his or their deputy or deputies, or  
 1725. other person in trust for him, them, or any of them, shall buy,  
 Chap. 5. sell, contract, or treat for any butter, tallow, green or salt hides,  
 in any city or town corporate, or place of export, where such  
 weigh-master or weigh-masters, his or their deputy or deputies,  
 are appointed, before such butter, tallow, green or salt hides, are  
 legally weighed and branded, discharged, and carried off from such  
 weigh-house, he or they shall, being thereof lawfully convicted  
 before the chief magistrate of the place, or the next justice of the  
 peace, forfeit for every such offence the goods so bought or sold  
 by him, them, or any of them; the same to be recovered and dis-  
 tributed in manner aforesaid.

No cooper  
 or person em-  
 ployed in a  
 weigh-house  
 shall buy or  
 sell there:

X. And be it further enacted by the authority aforesaid, That  
 no cooper or other person, who shall be employed in any weigh-  
 house of any city or town corporate, or place of export, or any  
 other person or persons in trust for him or them, shall buy, sell,  
 contract, or treat for any butter or tallow at the weigh-house,  
 where such cooper or other person shall be employed; and in case  
 any such cooper, or other person, or any person or persons in trust  
 for him or them, shall offend contrary to the true intent and  
 meaning of this act, such cooper, or such other person, shall for-  
 feit the sum of twenty shillings for every cask of butter or tallow  
 such cooper or other person shall buy or sell as aforesaid; the  
 same to be recovered, levied, and distributed in manner aforesaid.

Penalty 20 s.  
 each cask.

When casks  
 condemned  
 before a ma-  
 gistrate, or  
 when distress  
 taken by this  
 or said act, no  
 replevin lies,

the judg-  
 ment final.

XI. And be it enacted by the authority aforesaid, That when-  
 ever any cask or casks of butter or tallow, or any salt hides, are  
 seized or brought for trial before the magistrate, or justice of  
 the peace, or seneschal, or are adjudged and condemned by  
 them, or whenever any distress is or shall be taken pursuant  
 to this or the said former acts of Parliament, no replevin shall lie,  
 but the judgment of the magistrate or justice shall be final and  
 conclusive; any thing in the said former act to the contrary  
 notwithstanding.

General if-  
 sue may be  
 pleaded and  
 treble costs  
 recovered by  
 defendants  
 sued for act-  
 ing.

XII. And be it further enacted by the authority aforesaid, That  
 if any person or persons shall be sued, molested, or troubled for  
 putting in execution any of the powers contained in this act, or  
 for doing any matter or thing pursuant hereunto, such person  
 or persons shall and may plead the general issue, and give the  
 special matter in evidence; and if the plaintiff or plaintiffs  
 shall be nonsuited, or judgment be given against him or them  
 by default, or upon demurrer, or a verdict shall pass for the de-  
 fendant, such defendant shall have his, her, or their treble costs;  
 to be recovered in such manner as where by law costs are given to  
 defendants.

XIII. And

XIII. And whereas a doubt has been conceived, whether by the act now in force weigh-masters could be appointed for butter and tallow in the liberties of Saint Sepulchre's, Thomas-court, and Donore: be it enacted by the authority aforesaid, That the respective lords of the mannor, or seneschals of the said liberties, shall have full power and authority to appoint one or more weigh-master or weigh-masters for butter and tallow within their respective liberties, to weigh, brand, and mark all such casks and commodities, and take and receive all such sum and sums of money for weighing, branding, and marking the same, as any weigh-master or weigh-masters nominated, appointed, or to be appointed, by or in pursuance of an act of Parliament made in this kingdom in the tenth year of his Majesty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the destruction of salmon,* can or may have, exercise, take, or receive, by virtue of the said act; and after such casks and commodities shall be weighed, branded, or marked by the weigh-master or weigh-masters of the said respective liberties as aforesaid, such casks or commodities shall and may be exported in such sort and manner, as is weighed by the weigh-masters of the city of Dublin; any clause, matter, or thing in the said last mentioned act contained to the contrary in any wise notwithstanding; which said weigh-master or weigh-masters, his or their deputy or deputies respectively, shall be subject and liable to all the regulations, pains, and penalties, to which any other weigh-masters or their deputies appointed by this or the former act, or in pursuance thereof, are subject and liable.

XIV. Provided, That no person, who keeps a publick house, shall be capable of being a weigh-master or deputy weigh-master for weighing of butter or tallow within the meaning of this or the said former act.

XV. And be it enacted by the authority aforesaid, That this act shall continue in force for two years, and to the end of the then next session of Parliament.

Lords of the liberties may appoint weigh-masters, under same regulations.

No publick housekeeper shall be weigh-master for butter or tallow.

Continuance 2 years, &c.  
Continued  
1 G. 2. 17.  
& 5 G. 2. 6.  
and as altered and amended by 13 G. 2. 12. and 21 G. 2. 7. continued to 29 September 1769, &c.

*An act for continuing several temporary statutes made in this kingdom now near expiring; and for allowing further time to persons in offices to qualify themselves pursuant to an act, intituled, An act to prevent the further growth of popery.*

*Militia.*

2 G. 1. 9.  
continued and  
amended 4 G.  
1. 9. and con-  
tinued 6 G. 1.  
3. & 8 G. 1.  
6. & 10 G.  
1. 4.

2 G. 1. 9. &  
6 G. 1. 3.  
continued to  
1 December  
1729, &c.  
continued by  
several sta-  
tutes and so  
far as not al-  
tered by 19  
G. 2. 9. fur-  
ther continued  
10 years, &c.  
by 29 G. 2.  
8.

*Cattle.*

10 G. 1. 10.  
continued to  
1 Dec. 1728,  
&c.

WHEREAS in a Parliament held at Dublin the twelfth day of November in the year of our Lord one thousand seven hundred and fifteen, in the second year of the reign of our most gracious sovereign lord King George, an act of Parliament was made and passed, intituled, *An act to make the militia of this kingdom more useful*; which said act was continued and amended by an act made in the fourth year of his Majesty's reign, intituled, *An act for reviving, continuing, and amending several statutes made in this kingdom heretofore temporary*; and was further continued by an act made in the sixth year of his Majesty's reign, intituled, *An act for continuing and amending An act, intituled, An act to make the militia of this kingdom more useful*; and further continued by another act made in the eighth year of his Majesty's reign; and further continued by another act made the last session of this present Parliament for two years from the twenty fifth day of December in the year of our Lord one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament: and to prevent the said act from expiring, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said act made in the second year of his Majesty's reign, intituled, *An act to make the militia of this kingdom more useful*; as also the said act made in the sixth year of his Majesty's reign, intituled, *An act for continuing and amending an act to make the militia of this kingdom more useful*, be continued in full force, as they now stand, to the first day of December, which shall be in the year of our Lord one thousand seven hundred and twenty nine, and from thence to the end of the then next session of Parliament, and no longer.

II. And whereas an act passed in the tenth year of his present Majesty's reign, intituled, *An act for regulating abuses committed in buying and selling of cattle and sheep in the several markets in this kingdom*; which said act was made to continue and be in force only for two years, and from thenceforth to the end of the then next

next session of Parliament and no longer, and is now near expiring; but, being found to be useful, is therefore fit to be continued: be it enacted by the authority aforesaid, That the said act, and all and every clause, article, and proviso therein contained, be continued and shall be in full force to all intents and purposes to the first day of December, which shall be in the year of our Lord one thousand seven hundred and twenty eight, and from thence to the end of the then next session of Parliament, and no longer.

A. D.

1725.

Chap. 6.

perpetual  
29 G. 2. 8.

III. And whereas by an act of Parliament made in the sixth year of his Majesty's reign, intituled, *An act for quieting and discharging all persons in offices or employments, from the penalties they may have incurred by not qualifying themselves pursuant to the act to prevent the further growth of popery, and for limiting the time for prosecutions on the said act*, it is among other things enacted, " That such persons, as were required by the said act " *to prevent the further growth of popery* to take the oaths, and " receive the sacrament of the Lord's supper according to the " usage of the church of Ireland, and subscribe the declaration in " the said act mentioned, should be indemnified, freed, and discharged, of and from all incapacities, disabilities, forfeitures, " and penalties incurred by reason of the said act, notwithstanding " any omission to take the said oaths and sacrament of the " Lord's supper, and to subscribe the said declaration, so as such " person or persons should take the said oaths and receive the said " sacrament, and subscribe the said declaration, in manner directed by the said act, *to prevent the further growth of popery*, on " or before the five and twentieth day of March, which was in " the year of our Lord one thousand seven hundred and twenty:" and whereas some persons, well affected to his Majesty's government and the church of Ireland as by law established, have, through ignorance of the said several herein recited acts neglected to take the said oaths and sacrament of the Lord's supper, and to subscribe the said declaration according to the directions of the said act *to prevent the further growth of popery*: for remedy whereof, be it enacted by the authority aforesaid, That all and every person or persons, who have incurred any penalties and incapacities in the said act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themselves according to the said act, shall and may be hereby indemnified, freed, and discharged, of and from all incapacities, disabilities, forfeitures, and penalties incurred by reason of the said last mentioned act, notwithstanding such omission; and that none of their acts, nor the acts not yet avoided of any, who have been in actual possession of any office, place, or employment, shall be questioned or avoided

6 G. 1. 9.

Persons incurring penalties in 2 Anne 6 by not qualifying, indemnified, and their acts valid.

A. D. 1725. Chap. 6. avoided by reason of such neglect or omission; but that all such acts shall be, and are hereby declared and enacted to be, as good and effectual, as if all and every such person and persons had taken the oaths, and received the sacrament, and subscribed the declaration in manner as aforesaid; any thing in the said last mentioned act to the contrary notwithstanding; nevertheless so as such person or persons do and shall take the said oaths, and receive the said sacrament, and subscribe the said declaration, in manner directed and appointed by the said recited act, *to prevent the further growth of popery*, on or before the first day of August, which shall be in the year of our Lord one thousand seven hundred and twenty six.

So as they  
qualify by 1  
Aug. 1726.

But not to  
restore to of-  
fice actually  
avoided or  
filled.

IV. Provided, That this act or any thing therein contained, shall not extend to restore or intitle any person or persons to any office or employment already actually avoided by judgment of any of his Majesty's courts of record, or filled up by another person; but that such office or employment shall be and remain in the person or persons, who is or are now intituled by law to the same, as if this act had never been made.

V. And whereas the several acts now in force for suppressing tories, robbers, and rapparees, are near expiring: be it further enacted by the authority aforesaid, That one act made in a Parliament held in the seventh year of his late Majesty King William of glorious memory, intituled, *An act for the better suppressing tories, robbers, and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, and also one other act made in the ninth year of the reign of his said late Majesty, intituled, *An act to supply the defects, and for the better execution of an act passed this present session of Parliament, intituled, An act for the better suppressing tories and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, and also one other act made in the sixth year of the reign of her late Majesty Queen Anne, intituled, *An act for explaining and amending two several acts against tories, robbers, and rapparees*, as also so much of one other act made in the fourth year of the reign of his present Majesty, intituled, *An act for reviving, continuing, and amending several statutes made in this kingdom heretofore temporary*, as relates to the apprehending or killing of proclaimed tories or robbers, so far as the said acts, or any of them, are not altered or changed by an act made in the sixth year of his Majesty's reign, intituled, *An act for the better and more effectual apprehending and transporting felons and others, and for continuing and amending several laws made in this kingdom for suppressing tories, robbers, and rapparees*, as also one other act made in the eighth year of the reign of his present Majesty, intituled, *An act for amending an act, intituled, An act*  
for

All said acts  
so far as not  
altered by 6  
G. 1. 12. 23  
also the 8 G.  
1. 9.  
continued 11  
years, &c.  
from 25 Dec.  
1726.

for the better and more effectual apprehending and transporting felons A. D. and others, and for continuing and amending several laws made in 1725. this kingdom for suppressing tories, robbers, and rapparees, and also to prevent the listing of his Majesty's subjects to serve as soldiers in foreign service without his Majesty's licence, be and are hereby further continued from the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred and twenty six, for the term of eleven years, and from thence to the end of the then next session of Parliament.

C H A P. VII.

*An Act for the better preserving the salmon fishery of this kingdom.*

**F**ORASMUCH as by many undue practices the salmon fishery in this kingdom is extreamly decayed, and many idle and disorderly persons go in great numbers disguised, with their faces blacked, or otherwise disfigured, and with lights, loops, spears, and other instruments, kill great quantities of salmon in such places in fresh water rivers, as they are preparing to leave their spawn in: to prevent which pernicious practices for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six it shall and may be lawful to and for any person or persons, without other or further warrant than this act, to seize and bring before one or more justice or justices of the peace of the respective county or counties, where such offence or offences shall be committed, such person or persons as he or they shall find fishing with his or their face or faces blacked or disguised; and also such person or persons as shall be found in, upon, or near any river or rivers, disfigured with his or their face or faces blacked, or otherwise disguised, though such person or persons so disfigured or disguised, be not actually fishing at the time of such seizure or seizures; which justice or justices of the peace upon conviction of such offender or offenders by the oath of one or more credible witness or witnesses (which oath such justice or justices of the peace is and are hereby impowered to administer) shall and may by his and their warrants under his or their hands and seals levy by distress and sale of the goods of such offender or offenders the sum of forty shillings: one moiety whereof shall be given to the informer or informers, and the other moiety to

13 E. 1. 47.  
Eng.  
13 R. 2. 19.  
Eng.  
17 R. 2. 9.  
Eng.  
11 Eliz. 4.  
Sess. 4.  
10 C. 1. 14.  
Sess. 3.  
2 G. 1. 21.  
8 G. 1. 7.  
11 G. 2. 14.  
31 G. 2. 13.  
Salmon  
fishery decayed by undue practices.  
Any one may without warrant seize persons disguised fishing or being near a river, and bring before a justice, who on conviction shall levy 40s. to the poor and informer.

A. D. 1725. Chap. 7. the poor of the parish, where such offence shall be committed; and, in case no sufficient distress or distresses can be had whereout to levy and raise the said sum of forty shillings, that then the said justice or justices of the peace shall and may by warrant under his or their hands and seals commit such person or persons to the house of correction or work-house for any time, not exceeding thirty one days, there to remain at hard labour, and to have due correction according to law.

and for want  
of distress  
commit to  
house of cor-  
rection 31  
days.

None, except  
having 40 l.  
per annum  
freehold or  
1000 l. perso-  
nal estate a-  
bove debts, or  
intituled to any  
fishery, shall  
make or have  
any engines  
to kill salmon,  
tho' no proof  
of using them.

Any justice,  
or person by  
warrant may  
seize and de-  
tain the same,  
and all fish  
found with  
offenders,

who shall  
also forfeit  
40 s. to the  
poor and in-  
former,

II. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six no person or persons whatsoever, except such as have an estate of freehold in his, or their own, or their wives right, of the clear yearly value of forty pounds *per annum* at the least, or a personal estate of the value of one thousand pounds at the least, over and above all debts by him owing, and except such person or persons as is, are, or shall be intituled to any fishery or fisheries within this kingdom, his or their farmer or farmers, and such person or persons as are or shall be lawfully employed in the same, shall or may for him or themselves, or as servant or servants to any person or persons, who shall not be seized or possessed of a real or personal estate to the value aforesaid, or intituled to any fishery or fisheries as aforesaid, make, have, or keep any gaff or gaffs, spear or spears, lyfter or lyfters, loop or loops, nett or netts, or any other engine or engines, instrument or instruments, commonly made use of to take or kill salmon or salmon-fry; although no proof can be made, that he or they did apply them or any of them to such use or uses; on pain that all and every such gaffs, spears, lyfters, loops, and other engine and instrument, so kept contrary to this act, as also all fish found with them, or any of them, shall and may be seized or taken away by any justice or justices of the peace of the respective county or counties, where the same shall be kept or found, or by person or persons authorized thereunto by warrant under the hand and seal of such justice or justices of the peace, and shall and may be kept and detained by him or them to his and their own use; and every such person so having and keeping any such gaff, spears, lyfters, loops, netts, or any other such engine or instrument contrary hereunto, and being thereof convicted upon his appearance, or default after summons, before one or more justice or justices of the peace of the county or place, where such offence shall be committed, on the oath of one or more credible witness or witnesses (which oath such justice and justices of the peace is and are hereby impowered to administer) shall for every such offence forfeit and loose the sum of forty shillings; to be levied by warrant under the hand and seal of such justice or justices of the



the peace, before whom such offender shall be convicted, by distress and sale of the goods of such offender; the one moiety thereof to the informer; who shall inform and prosecute for the same, and the other moiety to go and be disposed of to the use of the poor of the parish; where such offence or offences shall be committed; and, in case no sufficient distress or distresses can or may be had whereout to levy and raise the said sum of forty shillings; that then the said justice or justices of the peace shall and may by warrant under his or their hands and seals commit such person or persons to the common goal of the county or place, where such offence shall be committed; there to remain for any time not exceeding thirty one days, unless such offender shall sooner pay the penalty so forfeited, and upon such payment to be discharged,

A. D.,  
1725.  
Chap. 7.

and in default of distress, be imprisoned 31 days, unless payment sooner.

III. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six if any person or persons during the month of February, March, April, or May, in any year, shall in any one day take or kill to the number of twelve salmon fry, whether it be by angling, or any other way whatsoever, and such person or persons shall be thereof convicted upon his or their appearance, or default after summons; by the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace of the county, city, or town corporate, where such offence shall be committed, every such person shall forfeit the sum of ten shillings: and it shall and may be lawful to and for such justice or justices of the peace by warrant under his or their hands and seals to levy the said sum of ten shillings by distress and sale of the offenders goods; one half thereof to be for the use of the informer, and the other to the poor of the parish, where the said offence shall be committed, and for want of sufficient distress it shall and may be lawful for such justice or justices by warrant under his or their hands and seals to commit such offender to the common goal of the county, city, or place; where such offence shall have been committed, there to remain and be kept for any time not exceeding ten days, unless such offender shall sooner pay the penalty so forfeited, and upon such payment to be discharged.

\* Killing 12 salmon-fry in a day in February, March, April, or May, by angling or any way,

Penalty 10s. as aforesaid,

or imprisonment 10 days, unless paid sooner.

IV. And whereas such persons as are employed by persons, who are intitled unto or farmers of any fishery or fisheries in this kingdom, find it necessary, in order to preserve the salmon in spawning time, to go and watch on the banks of rivers, in which they usually spawn, in order to apprehend such person and persons as shall endeavour to take and destroy such salmon, but are often threatened with actions at law and indictments by the proprietor

A. D.  
1725.

Persons au-  
thorized by  
farmers of  
fisheries by  
writing may  
walk on the  
banks of a  
river (not  
within orchard  
or garden) to  
apprehend of-  
fenders, and  
not liable to  
prosecution.

prietor or proprietors, possessor or possessors, of the bank or banks of such river or rivers, when such person or persons attempt, for the purposes aforesaid to go upon the same: be it enacted by the authority aforesaid, That it shall and may be lawful to and for such person or persons, so employed as aforesaid, to walk upon the bank and banks of such river and rivers as aforesaid, not lying within any orchard or garden, in order to apprehend such person or persons as shall offend against this or any other act heretofore made in this kingdom for the preservation of the salmon fishing thereof, and that such person or persons, so walking for the purposes aforesaid on any bank or banks of any river or rivers, shall not be liable to any action at law, indictment, or other prosecution for so doing; so as the person so employed be authorized by writing under the hand of the owner or farmer of such fishery.

Persons sued  
for acting may  
plead general  
issue, and re-  
cover treble  
costs.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or troubled, for putting in execution any of the powers contained in this act, or for doing any matter or thing pursuant hereunto, such person or persons shall and may plead the general issue, and give the special matter in evidence; and if the plaintiff or plaintiffs shall be nonsuited, or judgment shall be given against him or them by default, or upon demurrer, or a verdict shall pass for the defendant, such defendant shall have his, her, or their treble costs; to be recovered in such manner as in other cases where by law costs are given to defendants.

#### C H A P. VIII.

##### *An Act for the more effectual transporting felons and vagabonds.*

2 Anne 12.  
6 G. 1. 12.  
8 G. 1. 9.  
17 G. 2. 4.  
21 G. 2. 12.

**W**HEREAS great numbers of persons are confined in the several goals of this kingdom, who by virtue of the statutes now in force are to be, or ought to have been, transported unto some of his Majesty's plantations in America, and several, who have been confined in order to be transported, have broke out of the goals, to which they have been committed, and have made their escape, and others have continued in confinement for many years; the masters and owners of vessels trading to his Majesty's plantations being unwilling to be at the expence of transporting them, by means whereof not only the several counties, where such persons remain in custody, are put to great expence for their support, but also all his Majesty's good subjects are greatly endangered: for remedy whereof be it enacted by the King's most

most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six it shall and may be lawful to and for the chief magistrate of the city or port-town, in which any person is or shall be confined under any sentence, rule, or order of transportation, or in which any person is or shall be confined, who hath or shall obtain any pardon, with condition of transportation, or order for transportation, under the hand of the lord lieutenant, or other chief governor or governors of this kingdom for the time being, although the time limited by such pardon, sentence, rule, or order be expired, and such chief magistrate is hereby required to contract with any person or persons for the transportation of every or any of those, who are or shall be so confined, in such manner and for such term of years as by an act made in the sixth year of the reign of his present Majesty, intituled, *An act for the better and more effectual apprehending and transporting felons and others, and for continuing and amending several laws made in this kingdom for suppressing tories, robbers, and rap- parees*, is directed and required; so as the person contracting with such chief magistrate do enter into such recognizance, as by the said act is appointed.

A. D.  
1725:  
Chap. 8.  
Chief ma-  
gistrate of the  
place where  
persons under  
sentence of  
transportation  
confined may  
contract for  
transportation,  
tho' the time  
limited expir-  
ed,  
as by 6 G.  
12.

II. And for the encouragement of those, who shall contract for the transportation of persons so confined, or to be confined, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of April in the year of our Lord one thousand seven hundred and twenty six it shall and may be lawful to and for the chief magistrate of such city or port-town by warrant or order under his hand and seal to direct and require the sheriff or sheriffs of such city, being a county of itself, or of the county wherein such city or port-town shall lye, or their respective sub-sheriffs or under-sheriffs for the time being, to pay unto the person or persons, who shall contract for the transportation of any such person convicted of a capital felony, any sum not exceeding the sum of forty shillings; and for every other person, which now is or shall be ordered to be transported, any sum not exceeding the sum of twenty shillings; in which warrant or order shall be mentioned the name of the person so to be transported, and the time or place where he or she was presented or convicted, and the offence of which he or she was convicted.

And may by  
warrant di-  
rect sheriff to  
pay person  
contracting  
40 s. for a  
capital felon;  
for others  
20 s.  
mentioning  
the name,  
time, or place  
of conviction,  
and offence.  
Sheriff to  
pay it forth-  
with without  
fee, taking ac-  
knowledge-  
ment.

III. And be it further enacted by the authority aforesaid, That every sheriff, to whom such warrant or order shall be directed, or his under-sheriff or sub-sheriff, shall forthwith without fee or reward pay the sum in such order or warrant contained, taking a receipt

A. D. receipt from the person so contracting, acknowledging the payment of such sum or sums; and also acknowledging that he hath received the body or bodies of the person or persons so to be by him transported.

Grand jury, on producing the warrant and receipt, shall present the sum, and repay sheriff.

3 G. 2. 4. grand juries may present 6 l.

IV. And be it further enacted by the authority aforesaid, That upon producing of every such warrant or order, together with such receipt as aforesaid, at any assizes or general quarter-sessions of the peace to be held for the county, where the person or persons in such warrant or order named, was or were convicted or presented, the grand jury of the said county are hereby required to present the sum contained in such warrant or order; which shall be applotted and levied in the same manner, as other sums raised at assizes and sessions in the said county are usually levied and applotted; and shall be repaid to such sheriff, sub-sheriff, or under-sheriff, as shall have disbursed the same as aforesaid, or his executors or administrators respectively, or to the person or persons by them appointed to receive the same.

Capital felons refusing to sign the articles of transportation (so as not to serve more than 7 years) sentence of death shall be pronounced next assizes, &c.

V. And be it further enacted by the authority aforesaid, That if any person, so to be transported as aforesaid, shall refuse to sign and seal any articles, covenant, or indenture, agreed upon between such chief magistrate of the city or port-town and the person contracting for his or her transportation as aforesaid, so as the person to be transported be not by any such articles, covenant, or indenture, obliged to serve for any longer term than seven years, every such person so refusing, if convicted of a capital felony, shall be absolutely deprived of the benefit of clergy, and of this and the said former act, or any other act or order, by virtue whereof he or she were to be transported, and shall be continued in, or be immediately transmitted to, the goal of the county, where he or she was convicted, and sentence of death shall be pronounced against him or her so refusing respectively in the next term in the court of King's bench, or at the next general quarter-sessions in the county of Dublin, or county of the city of Dublin, or at the next general goal delivery in such other county where such person was convicted, and execution awarded accordingly; and if any other person, who shall be ordered to be transported as aforesaid, shall refuse to sign and seal such agreement, covenant, or indenture, every such person shall be thrice publicly whipt through such city or port-town, and afterwards remain close confined in goal, till he or she be transported.

other felons to be thrice whipt, and imprisoned till transportation.

Capital felons returning from transportation without licence under privy seal, shall suffer death,

VI. And be it further enacted by the authority aforesaid, That if any person, who after the said twenty fifth day of April one thousand seven hundred and twenty six shall be transported as a felon convicted of a capital felony, shall at any time be found within

within this kingdom, not being licenced thereunto by his Majesty, his heirs or successors, under his or their privy seal, such person shall suffer death as a felon, without benefit of clergy; any thing in the said act made in the sixth year of his present Majesty's reign to the contrary thereof in any wise notwithstanding; and shall and may be tried in any county, where he shall be apprehended.

A. D. 1725. Chap. 8.  
may be tried where apprehended.

VII. And be it enacted by the authority aforesaid, That if any person or persons being now, or who shall at any time hereafter be, under any sentence, rule, or order of transportation, shall be transmitted to any port-town within any county or county of a city, other than where such sentence, rule, or order was made, the chief magistrate of such port-town shall be obliged to receive and commit such person and persons to goal, who shall be there maintained in such manner, as convict felons are maintained, until they be transported; and the sheriff or sheriffs, who shall deliver over such person or persons to be transported, shall give security to the sheriff or sheriffs of such county or counties, or to such magistrate or other officer, to whom such offender or offenders shall be delivered in order to transportation, to reimburse all such sum and sums of money, as shall be disbursed on account of such person or persons so transmitted, for his or their maintenance in goal to the time or times of his or their being transported; which said sum and sums shall be levied by presentments of the grand jury on the body of the county, where such sentence, rule, or order of transportation was made, in like manner as the same is ordered and directed by the said act, made in the sixth year of his present Majesty's reign, in case of felons so transmitted for transportation.

Chief magistrate of port towns to which felons transmitted shall commit to gaol, to be maintained till transported;

sheriff delivering them shall give security to reimburse for their maintenance:

the money levied by presentment on the county where the rule made, as by 6 G. 1. 12.

VIII. And to the end that all merchants, owners, and masters, of vessels trading to his Majesty's plantations may have information and timely notice of the persons to be transported from the several parts of this kingdom; be it further enacted by the authority aforesaid, That the clerks of the crown, and clerks of the peace, shall make out and sign certificates of the names of every person and persons remaining in the goal or goals of the several counties under any rule, sentence, or order of transportation made in every term, and at every assizes or general goal delivery or quarter-sessions of the peace, at which the said clerk of the crown or peace respectively officiated, specifying therein the particular offences, for which such persons were respectively ordered to be transported; which certificates shall within thirty days after the last day of every assizes, or goal delivery, or quarter sessions, by the several clerks of the crown and clerks of the peace respectively,

Clerks of crown & peace shall sign certificates of names of persons under rule of transportation,

and in 30 days after assizes, &c. lodge the certificates with C. magistrates of Dub-

A. D. respectively, be lodged in the hands of the lord mayor of the city of Dublin, where such conviction or presentment was in his Chap. 8. Majesty's court of King's bench, or in any county in the province of Leinster, and in the hands of the mayor of the city of Cork, the mayor of the city of Waterford, and the mayor of the city of Limerick for the time being, where such conviction or presentment was in any county in the province of Munster, and in the hands of the mayor of the city of Londonderry, and the sovereign of the town of Belfast for the time being, where any such conviction or presentment was in any county in the province of Ulster; and in the hands of the mayor of the town of Galway, and the provost of the town of Sligo for the time being, where any such conviction or presentment was in any county in the province of Connaught; which several chief magistrates of

Lists of the names to be posted up, and continued till transportation, with the rewards intended. the said several cities and towns are hereby required to cause lists of the names of the persons, returned to them in such certificate, to be posted up in the Exchange and other most publick places of their said respective cities and towns, together with the several rewards intended to be given for the transportation of the persons, whose names are contained in such lists; and likewise to take care, that such lists continue posted as aforesaid, until the persons in such lists named, and every of them, be actually transported.

Penalty on clerks neglecting, not above 10 l. nor less than 5 l.

IX. And be it further enacted by the authority aforesaid, That if it shall appear to the court of King's bench, or to the justice or justices of assize, or justices at the general quarter-sessions of the peace respectively, that the clerk of the crown of the said court of King's bench, or the clerk of the crown or clerk of the peace for the county, for which such assizes or quarter-sessions are held respectively, hath at any time neglected to make out and return such certificate as aforesaid, the court of King's bench, and such justice and justices of assize, and justices of the peace in such general quarter-sessions respectively, are hereby empowered and required to impose on every such clerk of the crown and clerk of the peace for every such neglect a fine not exceeding ten pounds, nor less than five pounds.

X. And forasmuch as the transportation of felons hath been greatly delayed, and opportunities of transporting them frequently lost, by the time necessarily taken up in passing and pleading the pardons granted to such felons: be it enacted by the authority aforesaid, That when ever his Majesty, his heirs or successors, or the lord lieutenant or other chief governor or governors of this kingdom for the time being, shall be pleased to extend mercy to any person, who hath been or shall be convicted of felony,

To prevent delay of passing and pleading pardon, an order under sign manual, or hand of chief governor, directing transportation,

lony, or who hath received or shall receive sentence of death A. D. 1725. for any felony, any order under the sign manual of his Majesty, his heirs or successors, or under the hand of the lord lieutenant, or other chief governor or governors of this kingdom for the time being, directing the person, so convicted or sentenced, to be transported, shall be as effectual in the law, as if a pardon for such felony with condition of transportation had been passed under the great seal, and pleaded, and allowed; and that such order shall be a sufficient warrant in the law to all sheriffs, goalers; and others, for the delivery of the person in such order named to the sheriff or goaler of the place, from whence such felon is to be transported, or to the person or persons contracting for the transportation of such felon as aforesaid; so as such order be also counter-signed by the judges, or one of them, before whom such felon was tried; which said order after such delivery of such felon shall be lodged in the hands of the clerk of the crown or clerk of the peace, where such conviction was had, together with a receipt from the person, to whom such felon was delivered to be transported, to be kept among the records of the court.

shall be as effectual as a pardon pleaded and allowed, and sufficient warrant for delivery to be transported; so as it be countersigned by one of the judges, who tried the felon,

said order to be lodged with clerk of the crown or peace, with a receipt from him to whom felon delivered.

XI. Provided, That nothing herein contained shall extend to inflict the punishment of death on any person; who shall receive his Majesty's pardon upon condition of transportation for any limited time, or who shall be ordered by his Majesty, his heirs or successors, the lord lieutenant, or other chief governor or governors of this kingdom, to be transported for any limited time, so as such person be not found in this kingdom before the time in such pardon or order limited be expired; any law, statute, or usage, to the contrary thereof in any wise notwithstanding.

Not to extend to inflict death on persons pardoned on condition of transportation, or ordered to be transported, for a limited time, if not found in the kingdom before.

# CHAP. IX.

*An act for the more effectual erecting and better regulating of free-schools, and for rebuilding and repairing of churches.*

WHEREAS an act of Parliament made in the twelfth year of the reign of Queen Elizabeth of glorious memory, intituled, *An act for the erecting of free-schools*, has not answered the pious and good design thereby intended, by reason of sundry defects that are in the said act: and whereas the places by the said act appointed for the building and erecting of such free-schools, being the principal shire-town of every diocese, where school-houses be not already builded, are left at too great an uncertainty, some diocesses consisting only of part of one

Defects in 12 El. 1.

Uncertainty of the shire-town of the diocese for the school house

VOL. V.

Z z

or

**A. D.** or more counties, and having no such shire-town, and others more than one within them; and it being not easie in some places to determine which is the principal shire-town of the diocess: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same; that it shall and may be lawful for every archbishop, bishop, dean, dean and chapter; dignitary, or prebendary of a cathedral church, out of any land to him, them, or any of them, in any wise belonging, by deed, to be inrolled in the high court of Chancery of this kingdom, to appoint and set apart any piece of ground not exceeding one plantation acre, and lying near the cathedral church, or in some more convenient part of each respective diocess, to be approved of by the chief governor or governors of this kingdom for the time being under his or their hand and seal, for the use of the master of the free-school of the said diocess; and that such piece of ground so set out shall for ever be deemed and reputed to be the place for the free-school of the said diocess; and that in every diocess, until such piece of ground shall be sett out and appointed for the place of the free-school, the said free-school shall and may be kept in such convenient place within the said diocess, as the archbishop or bishop of the same can procure either for a yearly rent or otherwise.

**II.** Provided, That where in any diocess there already is a piece of ground legally appropriated to the use of a diocess-school, such piece of ground so appropriated shall for ever be and remain in the place of the diocess-school of the said diocess; any thing in this present act to the contrary notwithstanding.

**III.** And whereas the said act appoints, That the free-school of each diocess shall be builded and erected at the costs and charges of the whole diocess, without respect of freedoms, by the devise and oversight of the ordinaries of the diocess, or of the vicars-general (*sede vacante*) and the sheriff of the shire, but no sufficient way is appointed for the applotting or levying of such money, as upon that occasion may be found necessary; by reason whereof, and of the want of fixed and settled places to be appropriated unto such schools in most diocesses, no money has ever yet been raised for the building of such free-school, and where any such money has been raised, it has hitherto turned to very little account: be it therefore enacted by the authority aforesaid, That no money shall be raised for erecting of such school, until such time as a place for the same shall according to this present act, or in some other sufficient manner, be appointed; and that from and after

**1725.**  
**Chap. 9.**  
Bishops, deans, &c. by deed inrolled may set apart 1 acre, approved by C. governors, for the master of the free school of the diocese:

Unless a piece of ground already so appropriated.

No sufficient way appointed for levying money for building the schools.

No money shall be raised for building such school till a place appointed:



after such appointment of a place for a free-school within any A. D. diocese, it shall and may be lawful for the grand jury of each 1725. county from time to time to present such sum or sums of money, as they shall find reasonable, to be levied for their respective proportion towards the building or repairing such diocese-school; which sum and sums so presented, the presentment being confirmed by the court, shall be levied upon the whole or such part of the said county, as shall be situate in each respective diocese, in such manner as other publick money is levied upon presentments made by grand juries.

IV. And be it further enacted by the authority aforesaid, That when any money shall be levied toward the building of a free-school in the manner herein mentioned, the same shall be paid by the treasurer of the county into the hands of such person, as the grand jury in their presentment shall appoint, who shall account for the same upon oath in such manner, and at such time, as the respective grand juries shall direct, or in their presentment appoint.

V. And whereas two third parts of the yearly stipend or salary appointed by the said act for the master of a free-school, arising out of all and singular the ecclesiastical livings in the respective diocesses, are divided into such very small parts as to render the collecting of the same both troublesome and expensive: be it enacted by the authority aforesaid, That every person being a beneficed clergyman, who by vertue of the said act does or shall stand obliged to pay any part or proportion of the said two third parts, shall yearly at the visitation, held for the proper diocese, account with the school-master, to whom the same ought to be paid, and accordingly pay whatever shall appear to be due unto him; and if he shall not accordingly pay what shall be so due within three calendar months after the day of such visitation, then it shall and may be lawful to and for the archbishop, bishop, vicar-general, or chancellor of the diocess, to sequester the profits of the benefice belonging to such clergyman for the payment thereof, until the same shall be levied or paid.

VI. And whereas most of the lands, which were granted by King Charles the first to James then lord archbishop of Ardmagh and his successors in trust for the masters of several free-schools for the time being, do to the great disadvantage of the country continue unimproved, because the tenants holding such lands cannot have a certain interest therein for any term of years: be it enacted by the authority aforesaid, That it shall and may be lawful to and for the archbishop of Ardmagh and his successors by

then by presentment of grand jury, confirmed by the court: 29 G. 2. 7. amended. levied on the whole or such part of the county as in each diocese, paid by treasurer to person in presentment appointed, to account on oath as by grand jury directed.

Clergymen, who by said act are to pay two thirds of master's salary, shall account with him at yearly visitation; and if not paid in 3 months, livings sequestered.

Archbishop of Ardmagh may make leases of lands granted by K. and C. 1. in trust

A. D. 1725. and with the consent of the respective school-masters, testified by their being parties, and signing such lease or leases, to demise, sett, and to farm lett, all or any part of the said lands for any term not exceeding twenty one years, and for no longer term, from the making thereof, at and under the best and most improved rent that can be got for the same, to be reserved to the said archbishop and his successors in trust for the masters of the said respective schools for the time being, so as there be no other lease in being, which shall not expire within one year from the making such lease or leases.

for schoolmasters, for 21 years, at best rent, so as no lease in being, which is not to expire in a year.

1 G. 2. 15.

to prevent papists from obstructing the building churches, papists shall not vote at vestry.

VII. And whereas several parishes in this kingdom are, and others are likely to become, non-cures, tho' there are several protestant families inhabiting therein, for want of places of publick worship, the parish-churches being in so great decay that divine service cannot therein be performed, and the said churches cannot be rebuilt or repaired, the popish inhabitants of such parish obstructing the same by their out-voting the protestant inhabitants at their vestries duly appointed for that purpose: for the preventing therefore of papists having it in their power to obstruct the rebuilding and repairing churches for divine worship, be it enacted by the authority aforesaid, That no inhabitant of any parish in this kingdom, being a papist, shall at any time hereafter be capable of giving his or their vote at any vestry or vestries in this kingdom, to be held for the purposes aforesaid.

The money assessed at vestry levied by church-wardens by warrant of 2 justices by distress on refusal.

3 G. 2. 11.

Appeal to next quarter-sessions.

VIII. And for the more speedy and effectual levying such money as shall be agreed upon, assessed, and ordered, at vestries for building and repairing of churches; be it enacted by the authority aforesaid, That the same may and shall be raised and levied by warrant under the hands and seals of two or more justices of the peace of the county, where such parish doth lie, by the church-wardens of such parish, by distress and sale of the goods of the person or persons refusing or neglecting to pay the sum or sums of money duly applotted and charged on them pursuant to such act of vestry, together with the charges of such distress and sale, returning the overplus, if any shall be, any law to the contrary notwithstanding; and in case any person or persons shall think him or themselves aggrieved by any such assessment or applotment to be made as aforesaid, or the levying thereof, he or they shall be at liberty to appeal to the next quarter-sessions held for the said county, who are hereby impowered to hear and finally to determine the same.

C H A P.

*An Act to amend and explain an act, intituled, An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations.*

*explained and enforced*  
9 G. 2. 13.  
15 G. 2. 5.  
31 G. 2. 11.

WHEREAS an act passed in the tenth year of King William the third of glorious memory, intituled, *An act to encourage building of houses, and making other improvements on church-lands, and to prevent dilapidations*, which hath been found by experience in many instances not to answer the good and pious ends proposed by the said act; but on the contrary, that several ecclesiastical livings have been overburthened with larger sums payable by the successors in such livings, where houses have been built, and certified pursuant to the said act, than the same have been able to bear; and in many places the houses, built upon the encouragement of the said act, have been of such bad materials, or so ill built, or contrived, as to be of little use to the successor in such ecclesiastical living: for remedy whereof, and for clearing several doubts, which have arisen concerning the execution of the said act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred and twenty six, when any certificate shall be given or made out by virtue of the said act for any sum or sums of money to be charged upon any archbishoprick, bishoprick, or other ecclesiastical living, for any building or improvements, such certificate shall contain a true account of the clear yearly value or income of the said archbishoprick, bishoprick, or ecclesiastical living, as the same shall be proved to be before such persons respectively, who shall grant such certificate, at or before the time of making out such certificate, whose judgment therein shall be final; and that the said yearly value or income shall be computed of that particular ecclesiastical living only, whereon such building or improvements are made, and no other, unless there be a real union by or pursuant to any act of Parliament of the said ecclesiastical living with other livings, from which it is inseparable.

10 W. 3. 6.  
not answering the ends proposed:

Livings overburthened:

Houses thereon ill built, &c.

to remove doubts on said act:

Certificates by virtue of 10 W. 3. 6. for money charged on bishopricks or livings for improvements, shall contain account of clear yearly value thereof, as then proved, but of the particular living only whereon the improvements are, unless inseparably united by act of Parliament.

9 G. 2. 13. a provision for omission of such account in certificates.

II. And whereas by the said act it is enacted, That every ecclesiastical person therein mentioned, who shall make any building,

A. D. ings or improvements upon his glebe or demesne-lands, the value whereof shall be certified as by the said act is appointed, 1725. shall have and receive from his next and immediate successor, Chap. 10. his executors or administrators respectively, two thirds of the sum or sums expended and laid out in the same; and that such successor, having paid the two thirds of the sum or sums so certified,

Instead of the payments by 10 Wm. 3. 6. bishops or ecclesiasticks on certificate of improvements shall receive 3 4ths from successor who shall have 2 3ds from his successor, and he half from his successor.

1 G. 2. 15.  
9 G. 2. 13.

all paid as by said act.

No successor obliged to pay more than 1 year, and a half's income.

No certificate for a building, unless of stone or brick and lime, with oak or fir timber, (except bog-oak) and slated, &c.

shall and may receive one moiety of what he has so paid from his next successor: be it enacted by the authority aforesaid, That, instead of the several payments in and by the aforesaid recited act directed to be paid, every archbishop, bishop, and other ecclesiastical person whatsoever, who shall from and after the first day of May aforesaid make, build, erect, add to, or repair any house, out-houses, garden, or other necessary improvement on his demesne, glebe, or menial lands, in the manner herein before directed, for which a certificate shall be obtained, as by this act is appointed, such archbishop, bishop, or other ecclesiastical person, his executors, or administrators respectively, shall from his next and immediate successor have and receive three fourths of the sum or sums so certified; and such successor, having paid the three fourths of the sum or sums so certified as aforesaid, his executors or administrators respectively, shall and may receive two thirds thereof (that is) one moiety of the sum first certified from his next successor; which successor, having paid the said moiety of the said first sum, his executors or administrators, shall and may receive from his next successor one half thereof, that is, one fourth part of the sum or sums in the first certificate mentioned; all which sums so to be paid and received shall and may be paid and recovered within the times, and in the same manner, as the sums to be paid and recovered by the said former act are directed and appointed to be paid and recovered; any thing in the said former act to the contrary notwithstanding.

III. And be it enacted by the authority aforesaid, That no person, who shall hereafter succeed into any archbishoprick, bishoprick, or other ecclesiastical living, shall be obliged to pay his predecessor, or the executors, or administrators of his predecessor, by virtue of any certificate or certificates for building or improving on church lands, any more or greater sum than the clear value of one year and a half's income so limited as aforesaid.

IV. And be it further enacted by the authority aforesaid, That no certificate shall be hereafter given or made out for any dwelling-house or building upon church-lands by virtue of the above mentioned act, unless the said dwelling-house or building be made of stone and lime, or brick and lime, and timbred in the roof, and in the floors of such dwelling-house, with oak or fir-timber, bog-oak excepted, and covered with slates, shingles,

shingles, or tiles, and the building strong, lasting, and durable; A. D. except livings under a hundred pounds a year, where such houses 1725. or buildings may be covered with thatch; provided the timber be Chap. 10. such as is before specified.

V. And whereas in divers bishopricks of this kingdom there are no manse houses or manor lands convenient for the residence of the bishop: be it enacted by the authority aforesaid, That where in any diocese of this kingdom the bishop of the diocese hath no more than one hundred acres of manor lands, it shall and may be lawful to and for every such bishop, and his successors in the said diocese, to purchase to the use of such bishop and his successors, by and with the consent of the archbishop of the province under his archiepiscopal seal, any lands in the said diocese, not exceeding in quantity the number of two hundred acres plantation measure; upon which purchase there may be reserved out of such lands any yearly rent, not exceeding one half of the improved yearly value of such lands at the time of the purchase; which said rent so reserved shall be a charge, and continue chargeable, on such lands so purchased in the hands of every such bishop, and his successors for ever.

but on liv-  
ings under  
100 l. per ann.  
the houses may  
be thatched,  
if the timber  
as aforesaid.

Bishop hav-  
ing only 100  
acres manor  
lands may,  
with consent  
of archbishop,  
purchase 200;  
out of which  
rent may be  
reserved one  
half of im-  
proved value  
at time of pur-  
chase, and con-  
tinue a charge  
in hands of  
bishop and his  
successors:

VI. And be it further enacted by the authority aforesaid, That all lands so purchased shall be and continue manor lands to all intents and purposes whatsoever; and that every bishop, who shall purchase any such lands, or shall build an house, and make any other improvements thereon, convenient and proper for the residence of such bishop and his successors, such bishop or his executors and administrators so purchasing, building, or improving, shall have and recover such proportion of such purchase-money, and of such money, as shall be so laid out in building and other improvements, as a bishop is or shall be intitled to for houses built upon his manor lands by this act, and to be recovered in manner as is herein before mentioned.

such pur-  
chase shall  
continue  
manor lands;  
and bishop  
shall recover  
such propor-  
tion thereof  
and for im-  
provements,  
as aforesaid.

VII. And be it enacted by the authority aforesaid, That from and after the twenty fifth day of April, which shall be in the year of our Lord one thousand seven hundred and twenty six, every archbishop, bishop, or other ecclesiastical person, intending to erect or make any building or improvement upon his respective demesne or glebe-lands, shall, at the least three months before he begins the same, give unto the person or persons, who by this or the other above mentioned act is or are empowered to give them such certificate as is above set forth, a writing subscribed with his hand in the presence of two credible witnesses, setting forth the length, breadth, height, and thickness of the wall of such house or houses, as he intends to build, with the number of stories in them or each of them to be contained, to-  
gether

Bishops, &c.  
3 months be-  
fore building  
or improve-  
ments begun,  
shall give a  
writing of the  
particulars in-  
tended, signed  
and witnessed,  
to the person  
who is to give  
such certifi-  
cate:  
explained  
and enforced  
9 G. 2. 13. &  
17 G. 2. 8.

A. D. 1725. together with the situation of the ground, on which the same are to stand; as also the nature and extent of all other improvements, which he so intends to make; a copy of which writing, if approved of, shall be returned unto such archbishop, bishop, or other ecclesiastical person, in like manner subscribed by the person or persons unto whom the same is so given; and if the said house, houses, or improvements, or so much of the same as shall be built, or made before the death or removal of the respective incumbent undertaking the same, shall be found agreeable unto what is contained in such writing, and the value thereof so reported by commissioners for that purpose, to be appointed as herein after is mentioned, then, and not otherwise, such a certificate, as is above mentioned, shall be given for the same according to the value of such house or houses, and improvements, so reported, and under the limitations of this present act.

Wainscot not deemed improvement, unless the benefice 300*l.* *per annum.*

VIII. Provided, That no wainscot made or to be made in such house, as is above mentioned, shall be looked on as an improvement, or certified as such, except the ecclesiastical benefice, whereunto such house belongs, shall appear to be of the clear value of three hundred pounds *per annum.*

C. governors and bishops may commission persons to examine improvements on church lands, and swear them to give just estimate;

Commissioners may examine on oath.

On complaint by successor of dilapidations such commission shall be granted, and on report allowance deducted for dilapidations,

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the chief governor or governors of this kingdom for the time being, and every archbishop and bishop respectively, to grant any commission to two or more persons to view and examine the houses and improvements, made on church lands by vertue of this or the before mentioned act, and to administer an oath to the said commissioners, so appointed as aforesaid, to return a true, just, and faithful account and estimate of the said buildings and improvements according to the best of their skill and knowledge; and the said commissioners shall likewise have power to examine witnesses upon oath upon any article of account given in, and alledged to be expended in building the said houses, and making the said improvements: and where any archbishop, bishop, or other ecclesiastical person, shall build any house or out-houses, or make other improvements upon their mensal lands or glebes, and shall obtain a certificate for the same in pursuance of this present act, if the said archbishop, bishop, or other ecclesiastical person, his or their executors or administrators, shall demand payment for the said houses and improvements according to the certificate granted; upon complaint of the said successor or successors of dilapidations in the said house, out-houses, or improvements, then and in such case a commission shall be granted in the manner, and with the powers aforesaid, to view and examine the said buildings and improvements; and the commissioners shall return a just report of the same to the chief

chief governor or governors for the time being, archbishop or bishops respectively, who, upon hearing the allegations of each party, shall ascertain such sum or sums, as he or they shall judge reasonable to be allowed for such dilapidations; which said sums shall be deducted out of the sum or sums payable by the successor or successors, and shall by him or them be laid out in repairing such houses, buildings, or improvements; and such successor shall in the space of twelve months produce proper vouchers to the chief governor or governors for the time being, archbishop, or bishop of the dioceses respectively, that the same has been justly laid out on such repairs.

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and vouchers produced by the successor in 12 months of laying the same out in repairs.  
10 Will. 3. 6. shall continue in force, except where altered, &c.

X. Provided always, That the above mentioned act of the tenth year of King William, shall be and continue in full force in all points (except where the same is altered, amended, explained, and limited by this present act.)

XI. Provided also, That nothing in this present act contained shall extend, or be construed to extend, to any certificates granted, or to be granted, for houses or improvements upon mensal lands or glebes already made or begun, and which have not been certified for according to the said act.

Not to extend to certificates for improvements already made or begun, &c.

XII. And be it further enacted by the authority aforesaid, That where any archbishop, bishop, or dean, shall be disposed to erect one or more alms-house or alms-houses upon any convenient place of his mensal lands, or other lands out of lease; such archbishop, or bishop, or such dean, with the consent of the bishop of the diocese under his episcopal seal, may set apart so much thereof (not exceeding one acre for any one alms-house) as may be sufficient for that use, and may convey the same by proper deeds to the church-wardens of the parish, and their successors for ever, to be applied to the use of an alms-house, and for no other purpose whatsoever; and that such church-wardens and their successors shall be and are hereby made persons capable to take and to hold to them and their successors any lands so granted as aforesaid, so as such deeds be registered in the respective registries of the said archbishop or bishop; which deeds so registered shall be judged a full and effectual conveyance in the law of such part of the said mensal or other lands, so long as they continue for the use of such alms-houses, and no longer.

Bishops or deans with consent, erecting alms-houses may convey 1 acre of mensal or lands out of lease for one alms-house by deed to church-wardens registered.

XIII. And whereas in the several parts of this kingdom there are large tracts of bogg and fenny grounds appertaining to several of the archbishops and bishops of this kingdom, which are, or are reputed to be, part of their demesne lands wholly unimproved, and of little or no advantage to the said archbishops and bishops, by reason that no leases for any certain term of years can be made thereof for the encouragement of such tenants as might undertake

A. D. 1725. Chap. 10. or attempt to drain or improve the same, and to the great detriment of the publick, as well as of the said archbishops and bishops: for remedy whereof, be it enacted by the authority aforesaid, that it shall and may be lawful to and for the several archbishops, with the consent of the chief governor or governors of this kingdom for the time being under his and their hands and seals, and to and for the several bishops, with the consent of the archbishop of the province under his hand and archiepiscopal seal, to lease or demise any parcel or parcels of such bogg or fenny ground so appertaining, or reputed to appertain, to their demesne lands, for any term not exceeding sixty years, in possession, without fine, reserving the best and most improved rent that can be got for such bogg or fenny grounds at the time of making such lease.

Archbishops and bishops, with consent, may lease bog or fenny parts of their demesnes 60 years in possession, without fine, at the best rent:

if the rest of the demesne 300 acres,

and sufficient turbarry reserved.

Renewals not to be above 21 years; at three fourths of full value.

XIV. Provided, That every such archbishop or bishop, over and above such bogg and fenny grounds so to be demised, shall be possessed of three hundred acres, plantation measure, of good arable and pasture lands belonging to his dwelling-house as demesne, and shall reserve a turbarry, sufficient for the use of such dwelling-house and the tenants of such demesne lands.

XV. Provided also, That no such lease shall at any time be renewed for any longer term than the term of twenty one years; and that at every such renewal the said land shall be set at three fourths of the full value of the said lands at the time of such renewal.

and may lease as aforesaid bog or fenny grounds not part of demesne to the tenants of lands contiguous; or, if out of lease, to any person.

XVI. And whereas several of the archbishops and bishops of this kingdom are seized in right of their respective archbishopricks and bishopricks of large tracts of bog or boggy and fenny grounds, not being parcel of their demesne, which have hitherto lain wholly waste and uncultivated, and have been usually demised for twenty one years with the lands or farms of such archbishop and bishop, to which they lie contiguous and are next adjoining, as members and appurtenances thereof, without yielding any rent or profit to such archbishop or bishop, or being of any real value to the tenants, that hold such lands, by reason of the shortness of the term for which the same are demised: be it enacted by the authority aforesaid, That from and after the first day of May aforesaid, it shall and may be lawful for every archbishop with the consent of the chief governor or governors of this kingdom, and for every bishop with the consent of the archbishop of the province, granted in the manner herein before directed, to make separate and distinct leases of all such tracts of bog, or boggy and fenny grounds, which lie contiguous to any of their lands and farms, and of which they are so seized as aforesaid, to the several and respective tenants of such lands or farms, or, if out of lease, to any person



person or persons whatsoever for any term not exceeding sixty years, A. D. 1725.  
in possession, without fine, and at the highest rent that can be had  
for the same.

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XVII. Provided always, and be it enacted by the authority  
aforesaid, That if any archbishop or bishop, under colour or pre-  
tence of the powers hereby granted to demise for the term of  
sixty years any tract of bogg or boggy and fenny grounds, so ad-  
jacent as aforesaid to any other lands or farms belonging to the  
respective archbishopricks or bishopricks, shall include in such de-  
mises any of the profitable lands belonging to such farms, or shall  
lessen or diminish the yearly rent, or any part thereof, that now  
is, or at the time of making such lease of sixty years shall be, re-  
served upon such farm, for which such tracts of bogg, or boggy  
and fenny grounds are contiguous and next adjoyning as aforesaid,  
or include in any such lease, not exceeding sixty years as aforesaid,  
any other lands belonging to their respective sees, then and in all such  
cases every such lease as aforesaid shall be utterly void to all intents,  
constructions, and purposes whatsoever; any thing herein contain-  
ed to the contrary notwithstanding.

if profitable  
lands, &c. in-  
cluded, or  
yearly rent di-  
minished, such  
lease void.

XVIII. Provided also, and be it further enacted by the autho-  
rity aforesaid, That from and after the expiration, surrender, or  
other determination, of such lease to be made by vertue of this pre-  
sent act, not exceeding sixty years as aforesaid, no other or long-  
er lease of such boggy or fenny grounds, nor in any other man-  
ner, shall be made, than is prescribed in and by an act made in the  
tenth and eleventh years of the reign of King Charles the first,  
intituled, *An act for the preservation of the inheritance, rights, and  
profits of lands belonging to the church, and persons ecclesiastical.*

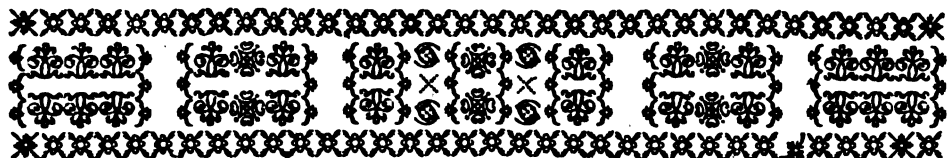
After de-  
termination of  
such lease, no  
other shall be  
made, except  
as by 10 and  
11 C. 1. 3.



T H E



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1727.

THE  
FIRST YEAR  
OF  
GEORGE II.



Acts and statutes made in a Parliament begun at Dublin the twenty eighth day of November, *Anno Dom.* 1727; in the first year of the reign of our most gracious sovereign lord King GEORGE the second, before his excellency John lord Carteret, lord lieutenant general, and general governor of Ireland.



CHAP. I.

*An Act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes: and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also for granting and continuing the several further additional duties on beer, ale, aqua vite, and strong waters, brewed and made in this kingdom; and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts.*

WE your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being highly sensible of the great blessings and felicity we enjoy by your Majesty's happy accession to the throne of your ancestors; and well knowing that the security, peace, and prosperity of this your Majesty's realm, necessarily depend on the support of your Majesty's government; and being deeply

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sensible

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Chap. I.

Additional duties on beer, ale, &c. granted by 2 G. I. I. and continued from time to time,

2 G. I. 7.

4 G. I. 1.

6 G. I. 4.

8 G. I. 1.

10 G. I. 1.

12 G. I. 1.

further continued to 25 Mar. 1728.

sensible of your Majesty's indulgent care of this your kingdom, and of your tender concern for the happiness and prosperity thereof; and being well assured that your Majesty will preserve to us the inestimable blessings, which we enjoy under your most auspicious reign; in grateful acknowledgement thereof, and for the support of your Majesty's government with honour, do cheerfully and readily give and grant to your Majesty the several additional rates and duties of excise herein after mentioned; and do most humbly beseech your Majesty, that it may be enacted, and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the several and respective additional rates, duties, and impositions for and upon beer, ale, strong waters, tobacco, and other goods and merchandizes, which in and by one act of Parliament made and passed in the second year of the reign of his late Majesty King George the first of glorious memory, intituled, *An act for granting to his Majesty an additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, were granted unto his Majesty, or chargeable in manner therein mentioned, from the twenty first day of November one thousand seven hundred and fifteen, during the space of six kalendar months, and which by one other act made and passed in the second year of his said late Majesty's reign were continued until the twenty first day of November in the year of our Lord one thousand seven hundred and seventeen inclusive, and which by one other act made and passed in the fourth year of his said late Majesty's reign were continued until the twenty first day of November in the year of our Lord one thousand seven hundred and nineteen inclusive, and which by another act passed in the sixth year of his said late Majesty's reign were continued until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which by one other act made and passed in the eighth year of his said late Majesty's reign were continued until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, and which by one other act made and passed in the tenth year of his said late Majesty's reign, intituled, *An act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom, and upon brandy or spirits above proof, and on tea, coffee, chocolate, and cocoa-nuts, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, and which by another act passed in the twelfth year of his said late Majesty's reign, intituled, *An act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes; and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters brewed and made in this kingdom, and upon brandy or spirits above proof, and on tea, coffee, chocolate, and cocoa-nuts, and also for granting a further additional duty upon brandy or spirits above proof, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty seven inclusive, be further granted, raised, continued, levied, collected, and paid, unto his Majesty, his heirs and successors, from the twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

II. And

II. And be it further enacted by the authority aforesaid, That the several and respective additional rates, duties, and impositions for and upon all sorts of wines, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, imported into this kingdom, which in and by one act of Parliament made and passed in the second year of his said late Majesty's reign, intituled, *An act for granting to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, were granted unto his said late Majesty, or chargeable in manner therein mentioned, until the twenty first day of November one thousand seven hundred and seventeen inclusive, and which by an act made and passed in the fourth year of his said late Majesty's reign, intituled, An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong-waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof, were further continued until the twenty first day of November in the year of our Lord one thousand seven hundred and nineteen inclusive, and likewise the further and other additional duties and impositions on beer, ale, aqua vitæ, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, which in and by the said last mentioned act were granted unto his Majesty until the twenty first day of November one thousand seven hundred and nineteen inclusive, which several and respective additional duties and impositions upon all sorts of wines, and strong-waters, and spirits perfectly made, and upon all spirits made and distilled of wine, imported into this kingdom, and upon beer, ale, aqua vitæ, and strong waters, brewed, made, and distilled in this kingdom, and upon brandy or spirits above proof imported into this kingdom, by an act made and passed in the sixth year of his said late Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which by the said act made and passed in the eighth year of his said late Majesty's reign, were further granted and continued until the twenty fifth day of December one thousand seven hundred and twenty three inclusive; and by the before mentioned act made and passed in the tenth year of his said late Majesty's reign, intituled, *An act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong-waters, brewed and made in this kingdom, and upon brandy or spirits above proof; and on tea, coffee, chocolate, and cocoa-nuts, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, and which by another act passed in the twelfth year of his said late Majesty's reign, intituled, *An act for granting and continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes, and also upon all sorts of wine, strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also for granting and continuing the further additional duties on beer, ale, aqua vitæ, and strong waters, brewed and made in this kingdom, and upon brandy or spirits above proof, and on tea, coffee, chocolate, and cocoa-nuts; and also for granting a further additional duty upon brandy or spirits above proof; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned; and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together***

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Chap. I.

Additional duties on wine, spirits, &c. granted by 2 G. 1. 3. and continued 4 G. 1. 2. with additional duties on beer, ale, &c.

and 6 G. 1. 4.

8 G. 1. 1.

10 G. 1. 1.

12 G. 1. 1.

Further continued to 25 Mar. 1728.

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Chap. I.

together with the interest thereof, were granted and continued until the twenty fifth day of December one thousand seven hundred and twenty seven inclusive, be further granted, continued, raised, levied, collected, and paid to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty seven, until the said twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

4 G. 1. 2.

III. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted and continued, and also for a further supply to his Majesty, all and every the rules, directions, powers, and authorities, relating to brewers mixing their beer and ale, and distillers distilling of strong waters, and all penalties and forfeitures arising thereby and therefrom, given and granted in and by the before mentioned act passed in the fourth year of his said late Majesty's reign, intituled, *An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions, therein mentioned, and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced unto his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from the said twenty first day of November one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive by the before mentioned act passed in this kingdom in the sixth year of his said late Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive by the before mentioned act passed in the eighth year of his said late Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive by the before mentioned act passed in the tenth year of his said late Majesty's reign, and which were further granted and continued from the said twenty fifth day of December one thousand seven hundred and twenty five until the twenty fifth day of December one thousand seven hundred and twenty seven inclusive by the before mentioned act passed in the twelfth year of his said late Majesty's reign, shall be and continue in full force to all intents and purposes from the said twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

to 25 March  
1728.

Additional duty of 3 s. and 4 d. per gallon on brandy or spirits above proof to 25 March 1728.

IV. And be it enacted by the authority aforesaid, That for a further supply to be granted to his Majesty from and after the twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive, there shall be granted, continued, raised, collected, levied, and paid unto his Majesty, his heirs and successors, throughout this his Majesty's kingdom of Ireland, for and upon all brandy or spirits above proof, that shall be imported into this kingdom during the time aforesaid; the further additional duty herein after mentioned: (that is to say) for every gallon of such brandy or spirits above proof the sum of three shillings and four pence, and so proportionably for a greater or lesser quantity.

V. And

V. And be it further enacted by the authority aforesaid, That the several additional rates and duties upon all coffee, tea, chocolate, and cocoa-nuts, granted by the before mentioned act passed in this kingdom in the sixth year of his said late Majesty's reign, intituled, *An act for continuing to his Majesty the additional duties on beer, ale, strong waters, tobacco, and other goods and merchandizes; and also upon all sorts of wines, strong waters, and spirits perfectly made; and upon all spirits made and distilled of wine, and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned, and for continuing the further additional duty on ale, beer, and strong waters and spirits perfectly made; and upon spirits made and distilled of wine, and for granting an additional duty on molasses, treacle, tea, coffee, chocolate, and cocoa-nuts, and for securing the re-payment of fifty thousand pounds sterling; formerly advanced unto his Majesty for the use of the publick; together with the interest thereof, from the first day of September one thousand seven hundred and nineteen until the twenty fifth day of December one thousand seven hundred and twenty one inclusive, and which were further granted from the said twenty fifth day of December one thousand seven hundred and twenty one until the twenty fifth day of December one thousand seven hundred and twenty three inclusive, and which were further granted by the before mentioned act, passed in the tenth year of his said late Majesty's reign, from the twenty fifth day of December one thousand seven hundred and twenty three until the twenty fifth day of December one thousand seven hundred and twenty five inclusive, and which by the said act made in the twelfth year of his said late Majesty's reign were further granted from the said twenty fifth day of December one thousand seven hundred and twenty five to the said twenty fifth day of December one thousand seven hundred and twenty seven inclusive,* <sup>to 25 March 1728.</sup> be further granted, and continued, levied, raised, and paid, to his Majesty, his heirs and successors, from the said twenty fifth day of December one thousand seven hundred and twenty seven until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight inclusive.

VI. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures, and the trade thereof, in this kingdom.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby granted or continued, shall be raised, answered, collected, and paid, unto his Majesty, his heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers as are appointed, directed, and expressed in and by an act made in this kingdom in the fourteenth year of the reign of King Charles <sup>14 & 15</sup> the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with the like remedy of appeal to and for the party grieved, as in and by the said act of excise is provided.* <sup>2. 8.</sup>

VIII. And be it further enacted by the authority aforesaid, That the six pence per pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majesty by this act, shall be received by the said vice-treasurer, receiver, or pay-master general, for the use of his Majesty, his heirs or successors, and shall be duly accounted for by him or them to his Majesty, his heirs and successors, as a further and additional aid hereby given and granted.

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## The first year of George II.

### C H A P. II.

*An act for allowing further time to persons in offices to qualify themselves pursuant to an act, intituled, An act to prevent the further growth of popery.*

Persons not  
qualifying pur-  
suant to 2 Anne  
6. indemnified.

their acts not  
avoided.

so as they  
qualify by the  
end of Easter-  
term 1728.

not to restore  
to offices actually  
avoided.

WHEREAS several persons well affected to his Majesty's government, and the church of Ireland as by law established, have through ignorance neglected to take and subscribe the oaths, and to make and subscribe the declaration, and to receive the sacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the second year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties and forfeitures: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, who have incurred any penalties and incapacities in the said act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged of and from all incapacities, disabilities, forfeitures, and penalties, incurred by reason of such omission or neglect as aforesaid; and that no act or acts done by them, or any of them, or by authority derived from them, or any of them, and not yet avoided, shall be questioned or avoided by reason of such neglect or omission: but all such acts shall be, and are hereby declared and enacted to be, as good and effectual, as if all and every such person and persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration, in manner as aforesaid, any thing in the said act to the contrary notwithstanding: nevertheless, so as such person or persons do and shall take and subscribe the said oaths, and receive the said sacrament, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as are directed and appointed by the said act *to prevent the further growth of popery*, on or before the last day of Easter term, which shall be in the year of our Lord one thousand seven hundred and twenty eight.

II. Provided, That this act, or any thing therein contained, shall not extend to restore or intitle any person or persons to any office or employment already actually avoided by judgment of any of his Majesty's courts of record, or filled up by another person: but that such office or employment shall be and remain in the person or persons, who is or are now intitled by law to the same, as if this act had never been made.



III. And whereas a doubt has been conceived, whether such persons, who have been admitted into any offices or employments, might take and subscribe the oaths, and make, and subscribe, and repeat the declaration in the said act mentioned, in the same term, or at the same quarter-sessions, in which they were admitted to their offices or employments; be it declared and enacted by the authority aforesaid, That all and every person and persons, who already have taken and subscribed the said oaths, and made, repeated, and subscribed the said declaration, or shall hereafter take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as in and by the said act *to prevent the further growth of popery* are directed, in the same term, or at the same quarter-sessions, during which he or they have been or shall be admitted to such office or employment, shall be deemed and adjudged to have taken and subscribed the said oaths, and made, repeated, and subscribed the said declaration, as effectually and fully to all intents, constructions, and purposes, as if he or they had taken and subscribed the said oaths, and made, repeated, and subscribed the said declaration, in the term or at the quarter-sessions next after such his or their admittance into such office or employment.

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Persons taking the oaths, &c. as by 2 Anne 6. in same term or quarter sessions in which admitted to employments, as effectual as if in term or sessions next after.

### CHAP. III.

*An act for the more speedy and effectual repair of bridges in the several counties of this kingdom.*

WHEREAS by an act made in this kingdom in the sixth year of the reign of our late Sovereign King George the first of glorious memory; intituled, *An act for the better regulating the parish-watches; and amending the highways in this kingdom, and for preventing the misapplication of publick money*, it is enacted, “ That no money shall be raised by presentment of any grand-jury for the building or repairing bridges, or for the repair of any highway or publick road, unless there be an affidavit made by two credible persons, who live in the neighbourhood, and have viewed such bridge or place for a bridge or high-road, that the same is wanting or out of repair, and unless the number of perches of such high-road which wants repair, be ascertained in such affidavit:” and whereas many bridges, which have been suddenly damaged by floods and other accidents, might

By 6 G. 1. 10. sec. 1. no money can be raised by presentment for repair of a bridge, unless on affidavit that out of repair at the time, &c.

A. D. might have been immediately repaired with little expence, but  
 1727. by suffering the same to lie unrepaired till the following assises,  
 Chap. 3. the same could not after be amended without great charge to the  
 country : and whereas several persons would willingly advance  
 the moneys necessary for the immediate repairs of such bridges,  
 in case the same could be raised at the following assises ; but ac-  
 cording to the said act no money can be raised by presentment of  
 any grand-jury for the repair of any bridge, unless at the time  
 of the presentment made it appears to the grand-jury, that the  
 bridge is out of repair : be it enacted by the King's most excel-  
 lent Majesty, by and with the advice and consent of the lords  
 spiritual and temporal and commons in this present Parliament  
 assembled, and by the authority of the same, That when, and as  
 often as any bridge or bridges, which ought to be repaired by  
 any county in this kingdom, shall be damaged or out of repair,  
 and it shall appear by affidavit made before two justices of the  
 peace, who are hereby impowered to take the same, and subscrib-  
 ed by two credible persons, who live in the neighbourhood, and  
 have viewed such bridge or bridges, that the said damage has  
 happened after the then last assises, and, if the bridge be in the  
 county of Dublin, after the then last quarter-sessions, and that  
 the repair of the said bridge or bridges cannot be delayed to the  
 then next assises or quarter-sessions respectively without prejudice  
 to the county : then and in such case, it shall and may be law-  
 ful to and for any two or more justices of the peace of the said  
 county, where such bridge is respectively, each having an estate  
 of freehold in lands, tenements, or hereditaments, of the clear  
 yearly value of one hundred pounds at least within the said coun-  
 ty, by warrant under their hands and seals to appoint any sum,  
 not exceeding five pounds at any one time, to be laid out for  
 the repair of any one such bridge, and one or more fit or proper  
 person or persons to repair the same ; and upon producing such  
 affidavit signed by the said persons, and the said warrant under  
 the hands and seals of the said two or more justices of the peace,  
 and also an affidavit taken before the judge of assise, or any jus-  
 tice of the peace for the county of Dublin, of the person or per-  
 sons who shall be so appointed to repair such bridge or bridges,  
 that the same hath or have been accordingly well and sufficiently  
 amended and repaired, and the money, appointed for that purpose  
 as aforesaid, truly laid out on the same, before the grand-jury of  
 the said county, at the then next assises to be held for the said  
 county, and before the grand-jury of the county of Dublin, at  
 the then next quarter-sessions respectively, the said grand-juries  
 are hereby required to make one or more presentment or present-  
 ments

Inconveni-  
ence thereof.

On affida-  
vit of 2 cre-  
dible neigh-  
bours that  
they viewed  
the bridge,  
and that the  
damage since  
last assises (or  
sessions if in  
county of  
Dublin) and  
that repair  
cannot with-  
out prejudice  
be delayed, 2  
justices, of  
100l. per ann.  
freehold in  
the county  
may appoint  
5l. for repair  
and proper  
persons ;

upon which  
and an affida-  
vit of said per-  
sons of repair-  
ing the bridge  
and laying out  
the money,  
grand jury  
shall make pre-  
sentment  
for the  
same ; which  
shall be con-  
firmed.

ments (which the judge or judges of assize, and justices of the peace in the said county of Dublin at the quarter-sessions, before whom the same shall be made, is and are hereby required to confirm) for the raising such sum or sums of money as shall be so appointed, and shall appear upon oath to have been laid out for the amending and repairing of such bridge or bridges, to be paid and payable to such person or persons, who shall have done the said work, or laid out the money for the making or doing thereof; the said act or any other law or statute to the contrary thereof in any wise notwithstanding.

II. Provided always, That no more than the sum of five pounds shall be raised at the same assize, or quarter-sessions for the county of Dublin respectively, for the repairing or amending any one bridge as aforesaid.

III. Provided always, That this act shall continue and be in force for three years, and to the end of the next session of Parliament after the expiration of the said three years, and no longer.

No more than 5l. at same assizes, &c. for one bridge.

Continuance 3 years, &c. 7 years, &c. by 5 G. 2. 6. and to 25 March 1757, by 13 G. 4. and 16 years, &c. by 29 G. 2. 8.

CHAP. IV.

*An Act for granting to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned; and also a tax on salaries, profits of employments, fees, and pensions: and for securing the repayment of fifty thousand pounds sterling, formerly advanced to his late Majesty for the use of the publick, together with the interest thereof.*

WE your Majesty's most dutiful and loyal subjects the commons of Ireland in Parliament assembled, being highly sensible of the many inestimable blessings we enjoy by the happy establishment of the protestant succession to the crown of these kingdoms in your Majesty's royal house; and being fully convinced from the tender regard your Majesty has shewn for the religion, laws, and liberties of all your people, and particularly by your gracious assurances to us that we may entirely depend upon your royal care to protect your subjects of Ireland, and to promote their welfare and happiness; and being confident that we may reasonably hope for greater prosperity under your Majesty's most auspicious reign, than this kingdom has been ever blessed with; for the support of your Majesty's government have in the most cheerful manner unanimously given and granted the several rates and additional duties herein after mentioned; and for that end do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same,

Duties on beer, &c. to 25 December 1729.

Continued from time to time, and by 1 G. 3. 1. till 25 Dec. 1763.

Vol. V.

E e e

That

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That from and after the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty eight, and to the twenty fifth day of December which shall be in the year of our Lord one thousand seven hundred and twenty nine inclusive; there shall be throughout this his Majesty's kingdom of Ireland granted; raised, collected, levied, and paid to his Majesty, his heirs and successors; the several rates and additional duties herein after mentioned: (that is to say) for and upon every thirty two gallons of beer or ale of above six shillings the barrel price, brewed within this kingdom by the common brewer, or in his vessels, or by any other person or persons, who doth or shall sell or tap out beer or ale publickly or privately, the sum of two shillings, to be paid by the common brewer, or by such other person or persons respectively; and so proportionably for a greater or lesser quantity; and for every thirty two gallons of beer or ale of six shillings the barrel or under, brewed within this realm by the common brewer, or in his vessels, or by any other person or persons, who doth or shall sell or tap out beer or ale publickly or privately, the sum of four pence, to be paid by the common brewer, or such other person or persons respectively, and so proportionably for a greater or lesser quantity; for every gallon of *aqua vitæ*, strong waters, or spirits, made or distilled within this kingdom for sale, the sum of four pence, to be paid by the first maker or distiller thereof; for every pound weight of tobacco imported during the time aforesaid into this realm, the sum of three pence halfpenny; for every yard of muslin imported into this kingdom the sum of six pence; and for every yard of all silks and stuffs made and manufactured in *Persia, China*, or the *East-Indies*, imported into this kingdom during the time aforesaid, the sum of one shilling and six pence; for every tun of wine imported into this kingdom during the time aforesaid, the sum of four pounds, and so proportionably for a greater or lesser quantity; and for every gallon of brandy, strong waters, and spirits perfectly made, and of spirits made and distilled of wine not above proof, imported into this kingdom during the time aforesaid, the sum of eight pence *sterling*, and so proportionably for a greater or lesser quantity; for every gallon of brandy or spirits above proof, which shall be imported into this kingdom during the time above limited, the sum of five shillings, and so proportionably for a greater or lesser quantity; and for and upon every pound weight of tea, imported into this kingdom during the time aforesaid, the sum of twelve pence; and for and upon every pound weight of coffee, chocolate, and cocoa-nuts, imported into this kingdom during the time aforesaid, the sum of three pence.

14 & 15 C.  
2. 8 & 9.

II. And be it enacted by the authority aforesaid, That all and every the additional and other duties hereby granted shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, during the time aforesaid, over and above all other duties payable for the same, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise and new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted.* or by virtue of one other act made in the said fourteenth year of the reign of the said King Charles the second, intituled, *An Act for settling the subsidy of poundage, and granting a subsidy of tunnage, and other sums of money unto his royal Majesty, his heirs and successors the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed.*

Drawback on  
export.

III. Provided always, and be it enacted by the authority aforesaid, That if the said wines, strong-waters, spirits perfectly made, and spirits made and distilled of wine and brandy, or spirits above proof, upon which the said additional duties are charged, shall after payment thereof, or security given for the same, be again exported by any merchant or merchants, that is or are a subject or subjects of this realm, or any other his Majesty's dominions, within twelve months; or by merchants strangers within nine months, after the importation thereof, and due proof be first made by certificate from the proper officers of the due entry of such wines, strong-waters, spirits perfectly made, and spirits made and distilled of wine, brandy,

or

or spirits above proof, and of the payment of the additional duties hereby granted and charged thereon, or security being given for the same, and that all other requisites shall have been performed, which are by law required to be performed in cases, where the duties of excise are to be repaid by virtue of the before mentioned act, [intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted* ;] that then the said additional duties shall without any delay or reward be repaid or allowed unto such merchant or merchants, so exporting the same, within one month after demand thereof, or the security for the said additional duties by this act charged shall be vacated or discharged, as to so much as shall be so exported ; any thing in this act contained to the contrary notwithstanding.

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IV. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted; and also for a further supply to his Majesty, all and every the rules, directions, powers, and authorities, clause or clauses, relating to brewers mixing their beer and ale, and distillers distilling of strong-waters, and for preventing the mixing of small worts with strong ale or beer after the gauger hath taken the gauge thereof, and for empowering gaugers to take an account of all wash and low wines in distillers hands, the better to ascertain the quantity of *aqua vitæ*, strong-waters, and spirits by them distilled, and all penalties and forfeitures arising thereby and therefrom, given, granted, or enacted, in and by an act passed in the fourth year of the reign of his late Majesty King George the first of glorious memory [intituled, *An act for continuing to his Majesty an additional duty on all wines and strong-waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned; and for granting a further additional duty on ale, beer, and strong-waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*, which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from time to time by divers acts made in this kingdom until the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight, shall be and continue in full force to all intents and purposes from the said twenty fifth day of March one thousand seven hundred and twenty eight until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty nine inclusive.

Clause relating to brewers and distillers.

4 G. 1. 2.

V. And be it further enacted by the authority aforesaid, That for a further supply to his Majesty, the further additional duty of twenty shillings *sterling* on every hundred weight of molasses, and the further additional duty of twenty shillings *sterling*, on every hundred weight of treacle, which shall be imported into this kingdom from and after the said twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight until the twenty fifth day of December one thousand seven hundred and twenty nine inclusive, shall be granted, levied, and paid to his Majesty, his heirs and successors in manner aforesaid.

On molasses and treacle.

VI. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hemp and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures, and the trade thereof in this kingdom.

On coffee, &c.

To trustees of the hemp manufacture.

VII. And

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14 & 15 G.  
a. 8.4s. in the  
pound on ab-  
sentees.Lord lieute-  
nant, &c. ex-  
cepted.The 6d. per  
pound and other  
fees accounted  
for to the King  
as additional aid.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties hereby granted or continued, shall be raised, answered, collected, and paid unto his Majesty, his heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed; in and by the said act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue, or excise in this kingdom, as fully and effectually to all intents and purposes, as if the same were particularly mentioned, expressed, and enacted again in the body of this present act, with like remedy of appeal to and for the party grieved as in and by the said act of excise is provided:

VIII. And be it further enacted by the authority aforesaid, That all and every person and persons, who had upon the twenty fifth day of December one thousand seven hundred and twenty seven, or who shall have at any time between the said twenty fifth day of December one thousand seven hundred and twenty seven and the twenty fifth day of December one thousand seven hundred and twenty nine inclusive, any office, salary, profits of employments, fees, or pensions, upon the civil or military establishments in this kingdom, shall pay unto his Majesty, his heirs and successors, the full sum of four shillings *sterling* out of every twenty shillings a year, which he, she, or they, do or shall receive, or be intituled unto, by reason of such office, salaries, profits of employments, fees, or pensions, unless such person or persons do and shall live and actually reside within this kingdom for and during the space of six calendar months at least in each of the said years; which said tax or duty of four shillings *sterling* out of every twenty shillings a year as aforesaid shall be stopped and deducted yearly, during the time and term aforesaid, by the vice-treasurer, pay-master, and receiver-general of his Majesty's revenues, and to be accounted for to his Majesty, his heirs and successors.

IX. Provided always, and be it enacted and declared by the authority aforesaid, That this act shall not extend to charge the said tax or duty of four shillings *sterling* a year on every twenty shillings as aforesaid upon the salary, pension, fees, or profits of employments, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being; or the salaries, fees, pensions, pay, or profits of employments, payable to any person or persons, who shall by his or their offices and employments be obliged to an immediate attendance upon the persons of his sacred Majesty, or his royal consort Queen Caroline, or their royal issue, during their continuance in such their respective offices and employments; or to the pay of the officers of the army, or half-pay officers, upon the establishment of this kingdom.

X. And be it further enacted by the authority aforesaid, That the six pence per pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, for, or on account of, or out of the aids granted hereby unto his Majesty, shall be received by the said vice-treasurer, receiver, or pay-master-general for the use of his Majesty, his heirs and successors, and shall be duly accounted for by him or them to his Majesty, his heirs and successors, as a farther and additional aid hereby given and granted.

XI. And whereas the commons in Parliament assembled, in the first session of the last Parliament, the better to enable his said late Majesty to provide for the defence and safety of this kingdom, did resolve, That whatever sums of money should be advanced and paid into his said late Majesty's treasury by any person or persons at the instance of their excellencies the then lords justices, or other chief governor or governors of this kingdom for the time being, for the defence thereof, should be made good with legal interest for the same out of such aids, as should be granted to his said late Majesty the then next session of Parliament: and whereas  
for

for the better securing of such sum or sums as should be so advanced, it is provided by an act passed in the said first session of the said Parliament, intituled, *An act for continuing to his Majesty the additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, that such sum or sums of money, as should be so advanced and paid into his late Majesty's treasury, should be repaid unto such person or persons, as should lend or advance the same, his, her, or their executors, administrators, or assigns, with legal interest, out of the next aids to be granted by Parliament, without any deduction: and whereas the sum of fifty thousand pounds hath been advanced and paid into his said late Majesty's treasury in pursuance of the said resolution and act of Parliament, which debt still remains due and unsatisfied: be it further enacted by the authority aforesaid, That such person or persons, who have advanced or paid into his late Majesty's treasury any sum or sums of money, being part of the said principal sum of fifty thousand pounds, their executors, administrators, or assigns, shall continue to have and receive, and be well and truly paid at the receipt of his Majesty's Exchequer, by the hands of the vice-treasurer, or pay-master-general, his or their deputy or deputies every six months the interest of the respective sum or sums of money, so by them advanced, at the rate of seven pounds *per cent. per annum*, without fee or charge, during the time the said principal sum of fifty thousand pounds, or any part thereof, shall continue unpaid, and free from all manner of deductions, defalcations, and abatements whatsoever, out of such his Majesty's treasure or revenue as shall come to his or their hands, until they are respectively paid and satisfied the respective principal sums, so by them paid and advanced as aforesaid; and if any part of the said principal sum of fifty thousand pounds shall be due and unpaid on the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and twenty nine, the same shall be well and truly satisfied and paid unto the several and respective persons, their executors, administrators, or assigns respectively, to whom the same shall be then due, together with such legal interest for the same, at the rate of seven pounds *per cent. per annum* as aforesaid, as shall be then in arrear, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever.

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Chap. 4.

Loan of  
50000 l. pursuant  
to act of 2  
G. 1. 7.

At 7 per cent.

XII. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned and appointed be paid out of the additional duties and aids, granted to his Majesty by this present act, to the persons hereafter mentioned: (that is to say) the sum of three hundred pounds to Matthew Pennefather esquire, accomptant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation laid before the house of commons this session of Parliament; and also a sum of three hundred pounds *sterling* to Bruen Worthington, and two hundred pounds *sterling* to Isaac Ambrose, clerks of the house of commons, as rewards for their respective attendance and services this session of Parliament; and the further sum of three hundred pounds *sterling* to the said Bruen Worthington and Isaac Ambrose, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the house of commons this session of Parliament; and also a further sum of one hundred pounds to the said Bruen Worthington and Isaac Ambrose, as a further recompence for their extraordinary trouble and expence in preparing copies of the publick accounts for the members of the house of commons the last session of Parliament; the sum of two hundred pounds *sterling* to John Kerr, clerk assistant, for his attendance and service this session of Parliament; three hundred pounds *sterl.* to Richard Povey, serjeant at arms, for his attendance on the house of commons; two hundred and fifty pounds *sterling* to William Bayley, and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; and also an additional sum of one hundred pounds to the said Henry Buckley, as a further recompence for his extraordinary attendance upon the committee appointed to inspect the publick accounts of the nation the last session

Several sums  
paid out of ad-  
ditional duties  
hereby granted,

A. D.

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6000*l.* to-  
wards building  
the Parliament-  
house.

of Parliament; eighty pounds *sterling* to John Fieldhouse and Richard Malone; door-keepers of the house of commons, to be equally divided between them; and also the sum of six thousand pounds unto such person or persons, and in such manner, as the lord lieutenant or other chief governor or governors of this kingdom for the time being shall appoint, towards providing materials and building a new Parliament-house; and also the sum of two thousand pounds *per annum*, during the space of two years, to the trustees of the linnen manufacture, to encourage the raising sufficient quantities of hemp and flax in this kingdom; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

## C H A P. V.

*An act for accepting the solemn affirmation or declaration of the people called Quakers, instead of an oath in the usual form.*

Recital of

10 G. 1. 8.

6 G. 1. 6.

10 G. 1. 8.

9 G. 2. 16.

19 G. 2. 18.

7 &amp; 8 Wil. 3.

34. Eng.

1 G. 1. 6. Eng.

8 G. 1. 6. Eng.

WHEREAS by an act passed in the tenth year of the reign of his late Majesty King George the first of blessed memory, intituled, *An act for accepting the solemn affirmation or declaration of the people called quakers in certain cases; instead of an oath in the usual form*, it was enacted, "That every quaker within this kingdom, who should be required upon any lawful occasion to take an oath, where by law an oath was required in certain cases in the said act mentioned, should in such cases, instead of an oath in the usual form, be permitted to make his or her solemn declaration or affirmation, in these words following:" (*viz.*)

I. A. B. do solemnly, sincerely, and truly declare and affirm.

Quakers not  
abusing indul-  
gence given, ne-  
cessary to give  
them further  
ease.

Which said act, being only temporary, will expire at the end of this present session of Parliament: and whereas the inconveniencies to the said people called quakers, and their families, and to others requiring their testimony, in many cases were not sufficiently avoided by the said act: and whereas it is evident, that the said people called quakers have not abused the liberty and indulgence allowed them by law, and they have given testimony of their fidelity and good affection to his Majesty, and the settlement of the crown in the protestant line; and it is reasonable to give them further ease and relief: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and twenty eight every quaker within this kingdom, who shall be required upon any lawful occasion to take an oath, in any case where by law an oath is required, shall instead of an oath in the usual form be permitted to make his or her solemn declaration or affirmation in these words following: (*viz.*)

I. A. B. do solemnly, sincerely, and truly, declare, and affirm.

Instead of an  
oath may make  
a solemn affirma-  
tion.

Which said solemn declaration or affirmation shall be adjudged and taken, and be it enacted and declared to be adjudged and taken, to be of the same force and effect to all intents and purposes in all courts of justice, and other places, where by law an oath is required, or shall hereafter be required within this kingdom, as if such quaker had taken an oath in the usual form.

II. And



II. And be it further enacted by the authority aforesaid, That every quaker, or person pretending to be a quaker, who shall have made such solemn declaration or affirmation as aforesaid, and shall be lawfully convicted, wilfully, falsely, and corruptly, to have declared or affirmed any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

A. D.

1727.

Liab. to penalties for perjury.

III. Provided always, and be it enacted by the authority aforesaid, That no quaker or reputed quaker shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or serve on any juries, or bear any place of profit, or office under the government; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Quakers not permitted to give evidence in criminal causes, or serve on juries, or bear place of profit, or office.

IV. Provided always, That no person or persons shall be deemed a quaker or quakers within the intention of this act, unless, he, she, or they, shall produce a certificate or certificates under the hands of six credible persons of their own congregation, of his, her, or their having been of that profession at least five years then last past, if thereunto required.

Quakers, if required, must produce certificate of six of the congregation of being so five years.

V. Provided, That this act shall continue in force for the space of seven years, and from thence to the end of the then next session of Parliament, and no longer.

Continuance seven years, &c. 19 G. 2. 18.

## CHAP. VI.

*An Act for the more effectual preventing several frauds and abuses committed in his Majesty's customs and excise, and for settling the rates of certain goods and merchandizes not particularly valued in the book of rates.*

WHEREAS many fraudulent practices and deceits are daily used by evil designing persons to elude the several laws, formerly made for the encouragement of the fair trader, and to prevent the running and undue landing of goods imported into this kingdom: and whereas the prosecutions before the commissioners of appeals, though carried on in a summary way, pursuant to the laws in force in this kingdom for that purpose, have been artfully delayed by persons prosecuting the said appeals upon account of some informality or defect of form in the proceedings, to the great discouragement of the prosecutors or informers: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That no judgment or sentence shall be reversed for any informality, imperfection, or defect in form, either in the information, proceedings, or judgment, brought before or given by the said commissioners or sub-commissioners respectively.

Prosecutions before commissioners of appeals artfully delayed.

no judgment by said commissioners, &c. reversed for want of form.

II. And whereas, where two or more persons are concerned as informers or discoverers; several disputes have arisen between the parties pretending to be the real informer and discoverer, to the great detriment of his Majesty's revenue, and discouragement of such informers: and whereas a just distribution of the rewards given to such informers will be a great encouragement to the trade of this kingdom, and a means to prevent several frauds, that are now committed in his Majesty's revenue; be it enacted by the authority aforesaid, That from and after the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight, in every case where two or more persons shall claim any right to any reward for or on account of any seizure, penalty, or forfeiture, that they may be intitled to by virtue of this or any former act now in force, relating to his Majesty's revenue or excise in this kingdom; that in such case the commissioners of excise for the

Claims by informers shall be determined and rewards distributed by the commissioners of excise, &c. which shall be final.

A. D. 1727. Chap. 6. the time being, or any three or more of them, or the collector or collectors, or sub-commissioners of excise in their several districts, who shall hear and determine such seizures, shall and are impowered and required hereby to hear the several claims and demands of such persons, as may think themselves intitled to any reward for or upon account of any information or discovery, and give or distribute the same in such manner or proportions as they shall order and direct; which order or sentence shall be final and conclusive to the said parties; any law or statute to the contrary notwithstanding.

Revenue-officers may qualify before persons now authorized, or before any justice, or collector of the district.

III. And whereas it may be inconvenient to require the attendance of the several and respective officers of his Majesty's revenue in the city of Dublin, in order to qualify themselves for their several employments: be it enacted by the authority aforesaid, That at all times hereafter every person or persons, nominated and appointed to any office or employment in his Majesty's revenue, shall and may be sworn, and take the oath of office or other oaths, which he or they are respectively directed or required by the laws of this kingdom to take before their entering on their respective offices, either before such person or persons as are now authorized to administer the same, or before any of his Majesty's justices of the peace, or before the collector of the district, where such officer shall be appointed to reside, of and in the several and respective counties, counties of towns and counties of cities in this kingdom, where such officer or officers shall be appointed to reside; and such collector, or justice or justices of the peace, are hereby impowered and required to administer the said oath or oaths; and that such person or persons, who shall be so sworn before such collector, or any of his Majesty's justices of the peace in the several counties, counties of towns, or counties of cities within this realm, shall and may take upon him or them the execution of his or their office or offices.

The penalty of 50 l. on refusing entrance to officers to search not adequate.

33 G. 2. 10.

on refusal of entrance to search for exciseable goods on reasonable suspicion, officers may in day-time and presence of a constable break open, enter and search, and seize such goods.

IV. And whereas several evil-minded persons, having great and valuable quantities of exciseable goods or merchandizes concealed in their houses and other places, and being liable only to a small forfeiture of fifty pounds for denying entrance to his Majesty's officers, which is not adequate to the value of the goods, which are frequently concealed, have refused to admit the officers of his Majesty's revenue into their respective houses to search for such exciseable goods; or, if permitted, have prevented their searching, seizing, or carrying away such goods and merchandizes, to the great diminution of his Majesty's revenue, as well as to the prejudice of the fair trader: be it therefore enacted by the authority aforesaid, That in case any person or persons whatsoever from and after the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight, shall refuse to permit or shall not suffer any surveyor or searcher, waiter, or officer of his Majesty's revenue, who shall from time to time be duly and legally deputed and appointed thereunto, to enter or come into or remain in his, her, or their house, cellar, vault, shop, ware-house, store-house, or store-cellar, or other place or places, to search for such exciseable goods and merchandizes, as he may reasonably suspect to be concealed in such place; that in every such case it shall and may be lawful to and for such officer or officers, after such refusal, to break open and enter in the day-time in the presence of a constable into any house, cellar, vault, shop, ware-house, store-cellar, or other place or places belonging to any such person as aforesaid, and to search for any goods or commodities, for which the duties payable thereupon to his Majesty have not been paid; and, in case any such goods shall be so found, to seize, attach, carry away, and put the same into safe custody.

Brewing vessels, stills, &c. in whose hands, liable for arrears of duties.

15 C. 2. 11. Stat. 23. Eng.

V. And be it enacted by the authority aforesaid, That all and every the brewing-vessels and utensils for brewing, and all and every the stills, worms, still-heads, and all other vessels and utensils for distilling, used in any brew-house or distilling-house respectively, into whose hands soever the same shall come, and by what conveyance or title soever the same shall be claimed, shall be liable and subject unto, and are hereby charged with, all and singular the debts and duties of excise, which shall be in arrear and owing by any person or persons, for any beer, ale, *aqua vitæ*, spirits, and strong waters of any kind, made within the said brew-house or distilling-house,

house, and shall also be subject to all penalties and forfeitures incurred by such person or persons, so using the said brew-house or distilling-house, for any offence against the laws and statutes of excise; and that it shall and may be lawful in all cases to levy such debts, duties, penalties, and forfeitures, upon such utensils, as it would be lawful to do, in case such person or persons were the real proprietor or proprietors of such utensils at the time of levying the same.

VI. And be it enacted by the authority aforesaid; That the commissioners of excise, or any three or more of them, or the sub-commissioners of excise in their respective districts, shall be authorized, and are hereby required, to hear and determine any cause, matter, or question, arising upon any clause or article therein before mentioned in a summary way, and to give judgment and sentence, and levy the fines, penalties, and forfeitures thereupon, in such manner and form as are prescribed in an act made in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise of new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*: with like remedy of appeal to and for the party grieved, as by the said act is provided, other than from any sentence or determination touching the distribution of seizures, forfeitures, or rewards, where two persons or more shall lay claim thereto, and which are herein before appointed to be finally determined and settled by the commissioners of excise, or any three or more of them, or the collector or collectors; or sub-commissioners in their several districts.

VII. And whereas there are several goods and merchandizes imported into and exported out of this kingdom, which are not particularly valued in the book of rates, and values of goods imported and exported, but the same are usually valued by the importer and officer of excise, agreeably to the several prices they bear at the time of importation; which method is found by experience to be very inconvenient to the fair trader, and a prejudice to his Majesty's revenue: for remedy whereof, be it enacted by the authority aforesaid, That from and after the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight, the several rates and values, herein after specified and set against the several goods and merchandizes herein after mentioned, shall be the rates and values of such goods and merchandizes respectively, according to which his Majesty's duties of customs and excise shall be paid, computing the duties of customs after the rate of twelve pence for every twenty shillings value of such goods and merchandizes, and computing the duties of excise after the like rate of twelve pence for every twenty shillings value of such goods and merchandizes; and the goods and merchandizes herein after mentioned, with their said several and respective rates, shall be annexed and added to the book of rates of goods and merchandizes imported and exported already established; and shall be subject to and be governed and directed by every clause, rule, and order laid down and specified in and by the act of poundage and tunnage, and the act of excise, made in the fourteenth year of the reign of King Charles the second, the first intituled, *An act for settling the subsidy of poundage, and granting a subsidy of tunnage, and other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed*; and the latter intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted, viz.*

A. D.  
1727.  
Chap. 6.

Commissioners of excise, &c. may determine in summary way, as by 14 G. 2. 8. with like remedy of appeal, except from determination of forfeitures and rewards to which several claimants.

Several goods not valued in book of rates, but usually valued by importer and excise officer agreeable to the prices they bear, which is inconvenient and prejudicial:  
11 G. 1. 7. Eng.

The several rates and values of goods herein specified shall be paid, computing the customs and excise at 12 d. per l. and annexed to the book of rates, and subject to the rules in 14 & 15 G. 2. 9.

and 14 & 15 G. 2. 8.

The rates of goods and merchandizes imported and  
exported.

I M P O R T.

Rates.

| A.       |                                                                                 |   |   | Custom.   |           |           | Excise.   |           |           |
|----------|---------------------------------------------------------------------------------|---|---|-----------|-----------|-----------|-----------|-----------|-----------|
|          |                                                                                 |   |   | <i>l.</i> | <i>s.</i> | <i>d.</i> | <i>l.</i> | <i>s.</i> | <i>d.</i> |
| <b>A</b> | Almonds in the shell, the thousand                                              | — | — | 0         | 1         | 6         | 0         | 1         | 6         |
|          | Aule hafts, the groce                                                           | — | — | 0         | 6         | 0         | 0         | 6         | 0         |
| B.       |                                                                                 |   |   |           |           |           |           |           |           |
|          | Beer, <i>vocat.</i> spruce beer, the gallon                                     | — | — | 0         | 2         | 0         | 0         | 2         | 0         |
|          | Bellows pipes, the groce                                                        | — | — | 1         | 0         | 0         | 1         | 0         | 0         |
|          | Bill-hooks, the dozen                                                           | — | — | 0         | 12        | 0         | 0         | 12        | 0         |
|          | Blades for foyles, the dozen                                                    | — | — | 0         | 8         | 0         | 0         | 8         | 0         |
|          | — knives and forks, the groce                                                   | — | — | 0         | 13        | 4         | 0         | 13        | 4         |
|          | — razors, the dozen                                                             | — | — | 0         | 6         | 0         | 0         | 6         | 0         |
|          | — swords, British coarse, the dozen                                             | — | — | 0         | 12        | 0         | 0         | 12        | 0         |
|          | Bottles of stone, the dozen                                                     | — | — | 0         | 6         | 8         | 0         | 6         | 8         |
|          | Buckles, <i>vocat.</i> shoe-buckles, the groce, containing<br>twelve dozen pair | — | — | 0         | 12        | 0         | 0         | 12        | 0         |
| C.       |                                                                                 |   |   |           |           |           |           |           |           |
|          | Calicoes, painted or stained, <i>per</i> yard                                   | — | — | 0         | 5         | 0         | 0         | 5         | 0         |
|          | Caffoy, <i>per</i> yard                                                         | — | — | 0         | 12        | 0         | 0         | 12        | 0         |
|          | Cauldrons or pans, iron, the hundred weight                                     | — | — | 1         | 0         | 0         | 1         | 0         | 0         |
|          | Candlesticks, iron, the dozen                                                   | — | — | 0         | 5         | 0         | 0         | 5         | 0         |
|          | Chocolate, the pound                                                            | — | — | 0         | 2         | 6         | 0         | 2         | 6         |
|          | Coaches or berlins, with or without the appurte-<br>nances, each                | — | — | 60        | 0         | 0         | 60        | 0         | 0         |
|          | Chariots, with or without the appurtenances, each                               | — | — | 40        | 0         | 0         | 40        | 0         | 0         |
|          | Cocoa-nuts, the pound, for Custom only                                          | — | — | 0         | 0         | 10        | 0         | 0         | 0         |
|          | Coffin figures and letters, the groce                                           | — | — | 0         | 6         | 0         | 0         | 6         | 0         |
|          | — handles, plates, squares, the groce                                           | — | — | 0         | 5         | 0         | 0         | 5         | 0         |
|          | Cork, ready made, the groce                                                     | — | — | 0         | 2         | 6         | 0         | 2         | 6         |
|          | Curry-combs, the dozen                                                          | — | — | 0         | 9         | 0         | 0         | 9         | 0         |
| D.       |                                                                                 |   |   |           |           |           |           |           |           |
|          | Dog-couples, the dozen                                                          | — | — | 0         | 2         | 6         | 0         | 2         | 6         |

Earth

I M P O R T.

Rates.

|                                                               |   |   |   | E. |   |   | Custom.  |    |   | Excise.  |    |   |
|---------------------------------------------------------------|---|---|---|----|---|---|----------|----|---|----------|----|---|
|                                                               |   |   |   |    |   |   | l. s. d. |    |   | l. s. d. |    |   |
| Earth red, the barrel                                         | — | — | — | —  | — | — | 0        | 10 | 0 | 0        | 10 | 0 |
| Emery ground, the pound                                       | — | — | — | —  | — | — | 0        | 0  | 4 | 0        | 0  | 4 |
| F.                                                            |   |   |   |    |   |   |          |    |   |          |    |   |
| Ferret ribbon, the groce                                      | — | — | — | —  | — | — | 0        | 16 | 0 | 0        | 16 | 0 |
| Flints for fire arms, the thousand                            | — | — | — | —  | — | — | 0        | 3  | 0 | 0        | 3  | 0 |
| Flower of meal, of wheat, the hundred weight                  | — | — | — | —  | — | — | 0        | 10 | 0 | 0        | 10 | 0 |
| Flower roots, the hundred, at five score, for Custom only     | — | — | — | —  | — | — | 1        | 0  | 0 | 0        | 0  | 0 |
| G.                                                            |   |   |   |    |   |   |          |    |   |          |    |   |
| Girth-web, the groce                                          | — | — | — | —  | — | — | 1        | 10 | 0 | 1        | 10 | 0 |
| Glasses for watches, the dozen                                | — | — | — | —  | — | — | 0        | 6  | 0 | 0        | 6  | 0 |
| Glass, British, the whole case, containing twenty four leaves | — | — | — | —  | — | — | 1        | 16 | 0 | 1        | 16 | 0 |
| —— the half case, containing twelve leaves                    | — | — | — | —  | — | — | 0        | 18 | 0 | 0        | 18 | 0 |
| Gimblets for carpenters, the groce                            | — | — | — | —  | — | — | 0        | 6  | 8 | 0        | 6  | 8 |
| H.                                                            |   |   |   |    |   |   |          |    |   |          |    |   |
| Hops, British, the hundred weight                             | — | — | — | —  | — | — | 4        | 0  | 0 | 4        | 0  | 0 |
| Horns for lanthorns, the thousand                             | — | — | — | —  | — | — | 1        | 0  | 0 | 1        | 0  | 0 |
| Horn-books, plain, the groce                                  | — | — | — | —  | — | — | 0        | 8  | 0 | 0        | 8  | 0 |
| —— gilt, the groce                                            | — | — | — | —  | — | — | 0        | 16 | 0 | 0        | 16 | 0 |
| Hour-glasses, British, the groce                              | — | — | — | —  | — | — | 2        | 0  | 0 | 2        | 0  | 0 |
| Hunting-horns, the dozen                                      | — | — | — | —  | — | — | 1        | 0  | 0 | 1        | 0  | 0 |
| I.                                                            |   |   |   |    |   |   |          |    |   |          |    |   |
| Irons, box-irons, the dozen                                   | — | — | — | —  | — | — | 1        | 4  | 0 | 1        | 4  | 0 |
| —— smoothing-irons, not box, the dozen                        | — | — | — | —  | — | — | 0        | 18 | 0 | 0        | 18 | 0 |
| —— stirrup-irons, the dozen pair                              | — | — | — | —  | — | — | 0        | 6  | 0 | 0        | 6  | 0 |
| Junck, called old junck, the tun                              | — | — | — | —  | — | — | 5        | 0  | 0 | 5        | 0  | 0 |
| K.                                                            |   |   |   |    |   |   |          |    |   |          |    |   |
| Kelp, the tun                                                 | — | — | — | —  | — | — | 1        | 10 | 0 | 1        | 10 | 0 |
| Keys for watches, the groce                                   | — | — | — | —  | — | — | 1        | 4  | 0 | 1        | 4  | 0 |

Knives,

## I M P O R T.

## Rates.

|                                                                                         |   |   | Custom.   |           |           | Excise.   |           |           |
|-----------------------------------------------------------------------------------------|---|---|-----------|-----------|-----------|-----------|-----------|-----------|
|                                                                                         |   |   | <i>l.</i> | <i>s.</i> | <i>d.</i> | <i>l.</i> | <i>s.</i> | <i>d.</i> |
| Knives, coopers knives, the dozen                                                       | — | — | 0         | 10        | 0         | 0         | 10        | 0         |
| — curriers knives, the dozen                                                            | — | — | 1         | 4         | 0         | 1         | 4         | 0         |
| — drawing knives, the dozen                                                             | — | — | 0         | 8         | 0         | 0         | 8         | 0         |
| L.                                                                                      |   |   |           |           |           |           |           |           |
| Laft blocks, the dozen                                                                  | — | — | 0         | 2         | 0         | 0         | 2         | 0         |
| Latches and catches, iron, the dozen                                                    | — | — | 0         | 5         | 0         | 0         | 5         | 0         |
| Lead milled, or the sheets, the hundred weight                                          | — | — | 0         | 10        | 0         | 0         | 10        | 0         |
| Leaves of silver, the thousand leaves                                                   | — | — | 1         | 0         | 0         | 1         | 0         | 0         |
| Lime juice, the gallon                                                                  | — | — | 0         | 2         | 0         | 0         | 2         | 0         |
| Locks, iron, <i>vocat.</i> box, chest, and cupboards locks, the groce                   | — | — | 1         | 4         | 0         | 1         | 4         | 0         |
| — horse-locks, the dozen                                                                | — | — | 0         | 8         | 0         | 0         | 8         | 0         |
| — spring-locks, double, the dozen                                                       | — | — | 0         | 16        | 0         | 0         | 16        | 0         |
| — spring-locks, single, the dozen                                                       | — | — | 0         | 10        | 0         | 0         | 10        | 0         |
| — stock-locks, double, the dozen                                                        | — | — | 1         | 0         | 0         | 1         | 0         | 0         |
| — stock-locks, single, the dozen                                                        | — | — | 0         | 12        | 0         | 0         | 12        | 0         |
| M.                                                                                      |   |   |           |           |           |           |           |           |
| Marbles for children, the thousand                                                      | — | — | 0         | 3         | 0         | 0         | 3         | 0         |
| Metal, leaf, except silver or gold, the pocket, containing two hundred and fifty leaves | — | — | 0         | 10        | 0         | 0         | 10        | 0         |
| Mum, the barrel                                                                         | — | — | 3         | 0         | 0         | 3         | 0         | 0         |
| Muslins, the yard                                                                       | — | — | 0         | 3         | 4         | 0         | 3         | 4         |
| N.                                                                                      |   |   |           |           |           |           |           |           |
| Nuts, called chefnuts, the barrel                                                       | — | — | 0         | 15        | 0         | 0         | 15        | 0         |
| O.                                                                                      |   |   |           |           |           |           |           |           |
| Oars, the hundred, containing six score, for Custom only                                | — | — | 7         | 10        | 0         | 0         | 0         | 0         |
| Oyl cloath, the yard                                                                    | — | — | 0         | 2         | 0         | 0         | 2         | 0         |
| Oyl of Jessamin, the pound                                                              | — | — | 0         | 2         | 6         | 0         | 2         | 6         |
| Oyster, pickled, the gallon                                                             | — | — | 0         | 2         | 6         | 0         | 2         | 6         |

Paper,

IMPORT.

Rates.

| P.                                                                                | Custom. |    |    | Excise. |    |    |
|-----------------------------------------------------------------------------------|---------|----|----|---------|----|----|
|                                                                                   | l.      | s. | d. | l.      | s. | d. |
| Paper, called card-paper, the ream                                                | 0       | 6  | 0  | 0       | 6  | 0  |
| Peas, called garden peas, the bushel                                              | 0       | 10 | 0  | 0       | 10 | 0  |
| Pimento, the pound,                                                               | 0       | 1  | 0  | 0       | 1  | 0  |
| Pots, iron, not exceeding four gallons each, the dozen,                           | 1       | 10 | 0  | 1       | 10 | 0  |
| Printing letters or types, the hundred weight,                                    | 5       | 0  | 0  | 5       | 0  | 0  |
| R.                                                                                |         |    |    |         |    |    |
| Raddle, the barrel                                                                | 0       | 10 | 0  | 0       | 10 | 0  |
| Reaping hobs or sickles, the dozen                                                | 0       | 3  | 0  | 0       | 3  | 0  |
| Regulus, the hundred weight                                                       | 2       | 0  | 0  | 2       | 0  | 0  |
| S.                                                                                |         |    |    |         |    |    |
| Saws, called frame saws, each                                                     | 0       | 6  | 0  | 0       | 6  | 0  |
| Scales for razors, the dozen                                                      | 0       | 1  | 0  | 0       | 1  | 0  |
| — for scabbards, the bundle, containing one hundred, for custom only              | 2       | 0  | 0  | 0       | 0  | 0  |
| Scythes, the dozen                                                                | 1       | 0  | 0  | 1       | 0  | 0  |
| Scythe-stones, the dozen                                                          | 0       | 1  | 0  | 0       | 1  | 0  |
| Seed, cinque-foil clover, the pound                                               | 0       | 0  | 2  | 0       | 0  | 2  |
| — millet, the hundred weight                                                      | 0       | 16 | 8  | 0       | 16 | 8  |
| Shag, stuff or hair, the yard                                                     | 0       | 5  | 0  |         | 5  | 0  |
| Shears, vocat. garden shears, the dozen                                           | 1       | 5  | 0  | 1       | 5  | 0  |
| — sheep sheers, the dozen                                                         | 0       | 6  | 8  | 0       | 6  | 8  |
| Shot, the hundred weight                                                          | 0       | 15 | 0  | 0       | 15 | 0  |
| Sheaths for knives and forks, the groce                                           | 0       | 5  | 0  | 0       | 5  | 0  |
| Silk manufacture (not otherwise rated) mixt with gold, silver, or both, the pound | 12      | 0  | 0  | 12      | 0  | 0  |
| Seives of hair, the dozen                                                         | 0       | 10 | 0  | 0       | 10 | 0  |
| Slates, the thousand                                                              | 0       | 10 | 0  | 0       | 10 | 0  |
| Snuff, the pound                                                                  | 0       | 3  | 4  | 0       | 3  | 4  |
| Spades for gardeners, the dozen                                                   | 1       | 0  | 0  | 1       | 0  | 0  |
| Stones called flag-stones, the hundred foot                                       | 0       | 16 | 8  | 0       | 16 | 8  |
| Sugar moulds or pots, the hundred, at five score                                  | 1       | 10 | 0  | 1       | 10 | 0  |
| Skellets of France, the dozen                                                     | 0       | 12 | 0  | 0       | 12 | 0  |

## I M P O R T.

Rates:

|                                                        | T.    | Custom. |    |    | Excise. |    |    |
|--------------------------------------------------------|-------|---------|----|----|---------|----|----|
|                                                        |       | l.      | s. | d. | l.      | s. | d. |
| Tea of all sorts, the pound                            | — — — | 0       | 8  | 4  | 0       | 8  | 4  |
| Tobacco-pipes, the groce                               | — — — | 0       | 2  | 6  | 0       | 2  | 6  |
| Tortoise shell, the pound                              | — — — | 0       | 5  | 0  | 0       | 5  | 0  |
| Trowels, the dozen                                     | — — — | 0       | 8  | 0  | 0       | 8  | 0  |
| Twist of gold or silver, the ounce                     | — — — | 0       | 6  | 8  | 0       | 6  | 8  |
| Tiles, called pan-tiles, the thousand, for custom only |       | 2       | 10 | 0  | 0       | 0  | 0  |
| V.                                                     |       |         |    |    |         |    |    |
| Velvet, the pound                                      | — — — | 10      | 0  | 0  | 10      | 0  | 0  |
| Vices for smiths, the vice                             | — — — | 0       | 6  | 8  | 0       | 6  | 8  |
| W.                                                     |       |         |    |    |         |    |    |
| Weld or woold straw, the hundred weight                | — — — | 0       | 7  | 0  | 0       | 7  | 0  |
| Whiting, the hundred weight                            | — — — | 0       | 2  | 6  | 0       | 2  | 6  |
| Wood, called fir-wood, the fathom                      | — — — | 0       | 10 | 0  | 0       | 10 | 0  |



## E X P O R T.

Rates.

|                                                   | B.    | Customs. |    |    |
|---------------------------------------------------|-------|----------|----|----|
|                                                   |       | l.       | s. | d. |
| <b>B</b> EEF, the carcass, exported               | — — — | 1        | 0  | 0  |
| Bread, the hundred weight                         | — — — | 0        | 10 | 0  |
| F.                                                |       |          |    |    |
| Feathers, the hundred weight                      | — — — | 2        | 0  | 0  |
| Furr, called rabbits furr, grey, <i>per</i> pound | — — — | 0        | 4  | 0  |
| G.                                                |       |          |    |    |
| Graves, the hundred weight                        | — — — | 0        | 2  | 6  |

Hair



EXPORT.

Rates.

|                                          | H. |   |   |   |   | Customs |    |    |
|------------------------------------------|----|---|---|---|---|---------|----|----|
|                                          |    |   |   |   |   | l.      | s. | d. |
| Hair kids, the hundred weight            | —  | — | — | — | — | 0       | 12 | 0  |
| Hogs-lard, the hundred weight            | —  | — | — | — | — | 0       | 18 | 0  |
| K.                                       |    |   |   |   |   |         |    |    |
| Kelp, the tun                            | —  | — | — | — | — | 1       | 10 | 0  |
| O.                                       |    |   |   |   |   |         |    |    |
| Ore, called copper ore, the tun          | —  | — | — | — | — | 3       | 0  | 0  |
| T.                                       |    |   |   |   |   |         |    |    |
| Tongues, called neats tongues, the dozen | —  | — | — | — | — | 0       | 6  | 0  |
| Y.                                       |    |   |   |   |   |         |    |    |
| Yarn bay, the great stone                | —  | — | — | — | — | 00      | 15 | 00 |
| Woollen, the great stone                 | —  | — | — | — | — | 00      | 08 | 00 |

Repealed as to  
wool, bay, and  
woollen yarn,  
3 G. 2. 3.  
33 G. 2. 10.

Allowances  
and drawbacks to  
merchants sub-  
jects for wigs  
exported in 18  
months, to  
strangers in 15  
months, after  
importation, as  
if exported in 12  
and 9 months,  
as formerly.

altered as to  
strangers to 12  
months 9 G. 2.  
1. and ever since  
continued.  
and altered to  
24 months as to  
merchant sub-  
jects by 1 G. 3. 1.

Continued till 25  
March 1733, &c.  
and so far as not  
altered by 3 G.  
2. 3. continued  
by several sta-  
tutes, and two  
years, &c. by  
31 G. 2. 6.  
which is repealed  
33 G. 2. 10. ex-  
cept as therein  
mentioned.

VIII. And whereas certain allowances and drawbacks are given and granted upon the exportation of wines imported into this kingdom, by the subjects of this realm or any other his Majesty's dominions, or merchants strangers, provided the same be reshipped and exported by such natural-born subjects within the space of twelve months, or by such merchants strangers within the space of nine months: and whereas the said terms of twelve months and nine months respectively have by many instances been found not to be a sufficient time for the fair and honest trader: be it therefore enacted by the authority aforesaid, That from and after the first day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight, every merchant being a subject of this realm, or any other his Majesty's dominions; who shall export any wines, for which allowances or drawbacks ought by law to be given, within the space of eighteen months; or any stranger within the space of fifteen months, after the importation thereof, shall be intitled to receive and have such allowances and drawbacks as fully and effectually to all intents and purposes, as if the said wines had been exported within the space of twelve months, and nine months after the importation thereof respectively, as in and by the laws; any law or statute to the contrary notwithstanding.

IX. Provided always, That this act shall continue and be in force until the twenty fifth day of March which will be in the year of our Lord one thousand seven hundred and thirty three, and from thence to the end of the next session of Parliament and no longer.

X. Provided

A. D.

1727.

The several goods herein valued shall after this act expires pay duties as they ought by law to have been rated before.

Hours of attendance inconvenient in winter,

officers of custom-house quays and stores shall from 1st October to 1st March attend from 10 to 3, and so from 1st March to 1st October 11 G 2.

3.

X. Provided also, That when this present act shall expire, the several goods and merchandizes not particularly valued in the book of rates, and which are in and by this act rated and valued as aforesaid, shall from and after the determination of this act be valued and rated; and pay the duties of customs and excise thereupon due to his Majesty, his heirs and successors, in such manner as such commodities ought to have been by law rated and valued before the making of this act; any thing herein contained to the contrary notwithstanding.

XI. And whereas the hours, in which the officers of the custom-house quays and stores in the several ports in this kingdom, do at present give their attendance, are for the winter season of the year not only inconvenient to themselves and the merchants and traders of this kingdom; but also a great delay and detriment to the dispatch of trade and business: for the preventing whereof, be it enacted by the authority aforesaid, That the several officers of the custom-house quays and stores in the several ports of this kingdom shall from the first day of October to the first day of March in each and every year give constant and due attendance in their respective stations and business from the hour of ten a clock in the forenoon to the hour of three a clock in the afternoon of each and every day (Sundays and holidays excepted) for the dispatch of business of all merchants and dealers, having resort to them, instead of attending from nine a clock to twelve in the forenoon, and from two a clock till four in the afternoon, as at present they are obliged to do; any law or custom to the contrary notwithstanding.

## C H A P. VII.

*An act to continue the Parliament for the time being on the demise of his present most gracious Majesty, or any of his heirs or successors, for the term of six months from the day of the said demise; and likewise to prevent the publick funds from expiring during the said term.*

6 Anne 7.  
Sec. 4. Eng.  
25 G. 2. 3.  
parliament  
shall convene  
and continue

3 years, if the crown descends to any child of Frederick late Prince of Wales, unless,

Parliament not dissolved by demise of the king,

but if then sitting shall proceed to act 6 months, unless sooner prorogued or dissolved,

**F**OR the better security of the protestant interest in this kingdom of Ireland, and of the succession to the crown of Great Britain and Ireland in the protestant line, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That this present Parliament, or any other Parliament, which shall hereafter be summoned and called by his present Majesty, his heirs or successors, shall not be determined or dissolved by the death or demise of his said Majesty, his heirs or successors; but such Parliament shall and is hereby enacted to continue, and is hereby impowered and required, if sitting at the time of such demise, immediately to proceed to act, notwithstanding such death or demise, for and during the time of six calendar months, and no longer; unless the same shall be sooner prorogued or dissolved by such person, to whom the crown of Great Britain and Ireland

Ireland shall descend, remain, and be, according to the several acts made in Great Britain for limiting and settling the succession thereof in the protestant line; and if the said Parliament shall be so prorogued, then it shall meet and sit upon the day, unto which it shall be prorogued, and continue for the residue of the same time of six calendar months, unless sooner prorogued or dissolved as aforesaid.

A. D. 1727.  
Chap. 7.  
and if prorogued shall meet on the day.

II. And be it further enacted by the authority aforesaid, That if there be a Parliament in being at the time of the death of his Majesty, his heirs or successors, but the same happens to be separated by adjournment, such Parliament shall immediately after such demise meet, convene, and sit, and shall act, notwithstanding such death or demise, for and during the time of six calendar months, and no longer; unless the same shall be sooner prorogued or dissolved as aforesaid.

If then adjourned, shall meet immediately and act 6 months, unless, &c.

III. And be it further enacted by the authority aforesaid, That if there be a Parliament in being at the time of the death of his Majesty, his heirs or successors, but the same happens to be separated by prorogation, such Parliament may notwithstanding such death or demise meet and convene at such time within the said six calendar months, and at such place, as the person to whom the crown of Great Britain and Ireland shall descend, remain, and be as aforesaid, shall appoint by proclamation, and may act during the residue of the said six calendar months next after such death or demise, and no longer, unless the same be sooner prorogued or dissolved as aforesaid.

If then prorogued, may meet at such time within the 6 months, and at such place as appointed by proclamation, and act during residue of 6 months, unless, &c.

IV. And be it further enacted by the authority aforesaid, That in case there is no Parliament in being at the time of such death or demise, that has met and sat, then the last preceding Parliament may convene and sit at such time within six calendar months, and at such place, as the person to whom the crown of Great Britain and Ireland shall descend, remain, and be as aforesaid, shall appoint by proclamation, and shall be a Parliament to continue as aforesaid, to all intents and purposes, as if the same Parliament had never been dissolved; subject nevertheless to be prorogued and dissolved as aforesaid.

If none then in being, the last parliament may convene as aforesaid.

V. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend, to alter or abridge the power of the King, his heirs or successors, to prorogue or dissolve Parliaments.

The King's power to prorogue or dissolve not altered.

VI. And whereas it may happen that the act or acts for granting an aid or aids to his Majesty by the several rates, duties, and impositions therein mentioned, or which hereafter shall be made for granting an aid or aids to his Majesty, his heirs or

If acts granting aid to the King, expire in 6 months after his demise, the same duties shall

A. D. successors, by any rates, duties, or impositions whatsoever, may,  
 1727. at the time of the death or demise of his Majesty, or of his heirs  
 Chap. 7. or successors, be expired, or near expiring, so as his Majesty's  
 loyal subjects of this his kingdom of Ireland, in case of any  
 exigency, may for want of such funds be disabled from contri-  
 buting to the support of the succession of the crown of Great  
 Britain and Ireland in the protestant line, and the defence of their  
 rights and liberties; be it enacted by the authority aforesaid, That  
 if any act or acts for granting any aid or aids to his Majesty, or  
 to any of his heirs or successors, or any rates, duties, or im-  
 positions thereby granted or imposed, shall expire within six months  
 after such death or demise, that the same rates, duties, and im-  
 positions, as by such act or acts were granted or imposed, shall  
 be and continue, and shall be levied, collected, and paid, for the  
 space of six calendar months from the time of such death or de-  
 mise in such manner and form, and according to such rules and  
 directions, as are or shall be appointed by such act or acts for le-  
 vying, collecting, and paying the same, during the time for which  
 they are and shall be severally granted by such act or acts, unless  
 the same shall be altered by any act of Parliament to be made  
 within such time of six months as aforesaid; and if such act or  
 acts for granting any aid or aids to his Majesty, his heirs or suc-  
 cessors, or any rates, duties, or impositions thereby granted or  
 imposed, shall expire at the time of such death or demise of his  
 Majesty, his heirs or successors, or within two calendar months  
 before such death or demise, that then and in such case the same  
 rates, duties, and impositions, as by such act or acts were granted  
 or imposed, shall be and continue, and shall be levied, collected,  
 and paid as aforesaid, from the time that the same did or would  
 have expired, if this act had not been made, until the end of the  
 six calendar months from such death or demise, unless the same  
 shall be altered by any act of Parliament to be made within such  
 time of six months as aforesaid.

be levied 6  
 months, unless  
 altered by any  
 act in that  
 time :

so, if they  
 expire at time  
 of demise, or  
 in 2 months  
 before.

C H A P.

*An act for preventing inconveniencies that may happen by privilege of Parliament.*

**F**OR the preventing all delays the King or his subjects may receive in any of his courts of law or equity, and for their ease in their recovery of their rights and titles to any lands, tenements, or hereditaments, and their debts or other dues, for which they have cause of suit or action, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same; That from and after the first day of May one thousand seven hundred and twenty eight any person and persons shall and may commence and prosecute any action or suit in any of his Majesty's courts of record at Dublin, or high court of Chancery, or court of Exchequer, or in the court of Admiralty, and in all causes matrimonial and testamentary in the court of prerogative, consistorial courts, courts of delegates, and all courts of appeal, against any peer of this realm, or lord of Parliament, or against any of the knights, citizens, and burgeses of the house of commons for the time being, or against their or any of their menial or other servants, or any other person intituled to the privilege of Parliament, at any time from and immediately after fourteen days next following the dissolution or prorogation of any Parliament, until fourteen days immediately before a new Parliament shall meet, or the same be re-assembled; and that the said respective courts shall and may at any time after fourteen days next following such dissolution or prorogation as aforesaid, and until fourteen days immediately before a new Parliament shall meet, or the same be re-assembled, proceed to give judgment, and to make final orders, decrees, and sentences, and award execution thereupon; any privilege of Parliament to the contrary notwithstanding.

*12 & 13 Wil.  
3. 3. Eng.  
11 G. 2. 24.  
Eng.  
To prevent  
delays in suits,*

*Persons in-  
tituled to privi-  
lege of Par-  
liament may  
be sued after  
14 days fol-  
lowing disso-  
lution or pro-  
rogation till  
14 days be-  
fore the meet-  
ing;  
3 E. 4. 1.  
6 Anne 8.*

*and judg-  
ment be given  
and execu-  
tion;*

II. Provided nevertheless, That this act shall not extend to subject the person of any of the knights, citizens, or burgeses of the house of commons, or any other person intituled to the privilege of parliament, to be arrested for the space of forty days before the beginning or meeting of any Parliament, or for the like space of forty days after the prorogation or dissolution of this present,

*but the per-  
son not ar-  
rested for 40  
days before  
meeting, or  
after proro-  
gation or dissolu-  
tion;*

or

**A. D. 1727.** or any other Parliament : nevertheless if any person or persons shall have cause of action or complaint against any peer of this realm or lord of Parliament, such person or persons at any time after fourteen days next following any dissolution or prorogation as aforesaid, until fourteen days immediately before a new Parliament shall meet, or the same be re-assembled; shall and may have such process out of his Majesty's courts of King's bench, Common pleas, and Exchequer, against such peer and lord of Parliament, as he or they might have had against him out of the time of privilege : and if any person or persons shall have cause of action against any of the said knights, citizens, or burgeses, or any other person intitled to privilege of Parliament, such person or persons, at any time after fourteen days next following any such dissolution or prorogation as aforesaid, until fourteen days immediately before the meeting or re-assembling of any Parliament, shall and may prosecute such knight, citizen, or burges, or other person intitled to the privilege of Parliament, in his Majesty's courts of King's bench, Common pleas, or Exchequer by summons and distress infinite, or by original bill and summons, attachment, and distress infinite thereupon, to be issued out of any the said courts of record, which the said respective courts are hereby impowered to issue against them, or any of them, until he or they shall enter a common appearance, or file common bail to the plaintiff's action, according to the course of each respective court ; and any person or persons, having cause of suit or complaint, may in the times aforesaid exhibit any bill or complaint against any peer of this realm, or lord of Parliament, or against any of the said knights, citizens, or burgeses, or other person intitled to the privilege of Parliament, in the high court of Chancery, or court of Exchequer, and may proceed thereupon by letters or subpœna as is usual, and upon leaving a copy of the bill with the defendant, or at his house, or lodging, or last place of abode, may proceed thereon ; and for want of an appearance or answer, or for non-performance of any order or decree, or for breach thereof, may sequester the real and personal estate of the party, as is used and practised, where the defendant is a peer of this realm ; but shall not arrest or imprison the body of any of the said knights, citizens, and burgeses, or other privileged persons, during the space of forty days immediately before the beginning or meeting of any Parliament, or during the like space of forty days immediately after the prorogation or dissolution of this Parliament, or any other Parliament.

process may go out of B.R. C. B. and Exchequer, after 14 days after and till 14 days before ;

and summons, distress infinite, &c. shall issue till common appearance or bail.

Suits in Chancery or Exchequer may be exhibited and proceeded upon as usual in the times aforesaid :

but the body shall not be arrested 40 days before or after.

Plaintiff delayed by privilege not barred by limita-

III. And be it enacted by the authority aforesaid, That where any plaintiff shall by reason or occasion of privilege of Parliament

ment

ment be stayed or prevented from prosecuting any suit by him A. D. commenced, such plaintiff shall not be barred by any statute of 1727. limitation, or nonsuited, dismissed, nor his suit discontinued for Chap. 8. want of prosecution of the suit by him begun, but shall from time to time after fourteen days from the rising of the Parliament be at liberty to proceed to judgment and execution: tion, or nonsuited, &c. 6 Anne 8.

IV. And be it enacted by the authority aforesaid, That no action, suit, process, order, judgment, decree, or proceeding in law or equity against the King's original and immediate debtor for the recovery or obtaining of any debt or duty, originally and immediately due or payable unto his Majesty, his heirs and successors, or against any accomptant or person answerable or liable to render any account unto his Majesty, his heirs or successors, for any part or branch of any of his or their revenues, or other original and immediate debt or duty, or the execution of any such process, order, judgment, decree, or proceedings, shall be impeached, stayed, or delayed, by or under the colour or pretence of any privilege of Parliament: yet so nevertheless, that the person or persons of any such debtor or accomptant, or person answerable or liable to account, being a peer of this realm, or lord of Parliament, shall not be liable to be arrested or imprisoned by or upon any such suit, order, judgment, decree, process, or proceeding; or, being a member of the house of commons, shall not during the space of forty days immediately before the beginning or meeting of any Parliament, or during the like space of forty days immediately after the prorogation or dissolution of this present or any other Parliament, be arrested or imprisoned by or upon any such order, judgment, decree, process, or proceedings. No privilege for the King's debtor or accountant, except as to his person 40 days before or after, &c. 6 Anne 8.

V. Provided nevertheless, That neither this act, nor any thing therein contained, shall extend to give any jurisdiction, power, or authority, to any court to hold plea in any real or mixt action in any other manner, than such court might have done before the making of this act. Not to give power to any court to hold plea, save as before.

A. D.

1727.

## C H A P. IX.

*An act for the further regulating the election of members of Parliament, and preventing the irregular proceedings of sheriffs and other officers in electing and returning such members.*

To prevent  
irregular pro-  
ceedings by  
returning of-  
ficers,

sheriffs in  
4 days after  
receipt of writs  
for elections  
shall issue pre-  
cepts to bo-  
roughs, &c.  
and deliver to  
last returning  
officers,  
23 H. 6. 15.  
Eng.  
7 & 8 Wil. 3.  
25. Eng.

and accept  
returns from  
them only,

without fee.

WHEREAS by the evil practices and irregular proceed-  
ings of sheriffs, mayors, sovereigns, and other officers,  
in the execution of writs and precepts for electing members to  
serve in Parliament, as well the freeholders and others in their  
right of election, as also the persons by them elected to be their  
representatives, have heretofore been greatly injured and abused :  
for remedying the same, and preventing the like for the future,  
be it enacted by the King's most excellent Majesty, by and with  
the advice and consent of the lords spiritual and temporal and  
commons in this present Parliament assembled, and by the au-  
thority of the same, That from and after the first day of May  
one thousand seven hundred and twenty eight the sheriff and  
sheriffs of every county, or city and county, shall, within four days  
after he or they shall receive the writ for the elections of any mem-  
ber or members to serve in Parliament, issue or send out his and  
their precepts under his or their hand and seal to the several  
and respective boroughs, towns-corporate, and manors in his  
or their county, which have right to send members to Parliament,  
and direct the several and respective precepts, and cause them to  
be delivered, to such acting magistrates or officers of the said  
boroughs, towns-corporate, and manors respectively, as made  
the last returns of members, that sat in Parliament for such re-  
spective boroughs, towns-corporate, and manors, be the same  
mayor, sovereign, portreve, provost, burgomaster, bailiff, or se-  
neschal, and to no other persons whatsoever ; and the sheriff or  
sheriffs shall accept such returns of such precepts from such ma-  
gistrates and officers only, to whom he or they so directed and  
sent the said precepts respectively, by indentures to be made be-  
twixt such sheriff or sheriffs, and such magistrates or officers of  
such elections, and of the names of the citizens and burgeses  
chosen ; and that no fee, gratuity, or reward whatsoever shall be  
given, paid, received, or taken by any sheriff, under-sheriff,  
sheriff's-clerk, mayor, sovereign, portreve, or other officer of  
any county, city, town, or place, for making out, or the delivery,  
return,



return, or execution of any such writ or precept for the electing A. D. members to serve in Parliament. 1727.

II. And be it further enacted by the authority aforesaid, That Chap. 9. every mayor, sovereign, portreve, seneschal, or other chief magistrate, or officer of any city, borough, town-corporate, or manor, to whom the sheriff or sheriffs shall so send a precept for the electing any members to serve in Parliament, shall hold the election within twenty one days from the day of his receiving the precept; and shall in some publick place of such city or other town-corporate, or manor, where notices are usually posted up, affix, or cause to be affixed, notice under his hand and seal of the time and place of holding such election four days preceding the election; and in case any returning officer shall act otherwise, or offend herein, he shall for such offence forfeit the sum of five hundred pounds. Returning officers shall hold elections 21 days after receipt of precept, and 4 days before post up notice thereof. 7 & 8 Will. 3. 25. Eng. Penalty 500l.

III. And be it further enacted by the authority aforesaid, That all contracts, promises, bonds, and securities, hereafter to be made or given to any sheriff or other returning officer to indemnify such sheriff or other returning officer for making a return of any member to serve in Parliament, or to pay such sheriff or returning officer any sum or sums of money by way of gratuity or reward for making such return, or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give, or accept such contract, promise, bond, or other security, or any gift or reward, to procure any false or double return, shall forfeit five hundred pounds, to be recovered and applied as herein after is mentioned. All securities to indemnify, or to pay to, returning officers, void. 7 & 8 Will. 3. 7. 1. & Eng. and penalty 500l. on giver or acceptor.

IV. And to the end that sheriffs may make due returns of the writs to them directed: be it further enacted by the authority aforesaid, That all and every sheriff and sheriffs, who shall receive any writ for the election of any member to serve in any future Parliament, shall on or before the day, at which such future Parliament shall be called to meet, make due return of the writ to him or them directed, and of such indentures thereunto annexed as shall be returned to him or them by the proper returning officer as aforesaid, to the clerk of the crown in the court of Chancery; and in default thereof shall forfeit to every party thereby aggrieved the sum of five hundred pounds, to be recovered as is herein after mentioned. Sheriffs on or before day of meeting shall return the writs and indentures to clerk of crown in Chancery. 10 & 11 Will. 3. 7. Eng. Penalty 500l. to the party.

V. And be it further enacted by the authority aforesaid, That the clerk of the crown shall enter in a book kept for that purpose every single and double return of any member or members to serve in Parliament, which shall come into his office or to his hands, and also every alteration and amendment which shall be made Clerk of crown shall enter every Return and Amendment, and give copies.

A. D. 1727. made in every such return ; to which book all persons shall have free access to search and take copies ; for which search the said clerk of the crown shall and may take the sum of two shillings and six pence, and no more ; and for every copy the said clerk shall give out, he may have and take the sum of two shillings and six pence, and no more ; which book, or a true copy thereof, shall be admitted as evidence upon any trial at law relating to such single or double return, and shall have the same force and effect, as the record of such return would have, if the same were produced ; and if the clerk of the crown wilfully omit to perform his duty in the premises, he shall forfeit for every such offence to the party grieved the sum of one hundred pounds, to be recovered and applied in such manner as is herein after mentioned.

Trustee or mortgagee shall not vote, unless in actual possession or receipt of profits 6 months before the writ : but mortgagor or cest. trust shall. 7 & 8 Wil. 3. 25. sec. 7. Eng. VI. And to prevent disputes, and render it more certain who ought to be admitted to vote at such elections : be it further enacted by the authority aforesaid, That no person shall be allowed to have a vote at any election of members to serve in Parliament for or by reason of any trust estate, or mortgage, unless such trustee or mortgagee be in the actual possession, or receive the rents, issues, and profits, of the same estate six months before the issuing of the writ ; but that the mortgagor or cestique trust in possession shall and may vote for the said estate notwithstanding such mortgage or trust.

Repealed 19 G. 2. 11. No freeholder under 10l. per annum shall vote, unless memorial of the deed entered six months before with clerk of peace. and that no person shall be admitted to vote as a freeholder at the election of any knight, citizen, or burghers, whose freehold is at the time of such election under the value of ten pounds *per annum* ; unless a memorial of the deed or deeds, by which such freehold is granted, be entered six months before with the clerk of the peace in a book to be kept by him, to which all persons may resort, and which he is hereby required to keep for that purpose ; which entry shall contain the nature of the freehold, name of the grantor and grantee, lessor and lessee, with the quantity of the land granted, and the consideration, rent reserved, and date of the deed ; for making which entry, and endorsing that it was made on the back of the grant or lease, the clerk of the peace shall have as a fee the sum of six pence and no more. Provided, That nothing herein contained shall extend to hinder any freeholder from voting, where such freehold came to him by descent, marriage, marriage-settlement, devise, presentation to some benefice in the church, or promotion to some office unto which such freehold is annexed.

not to extend to freeholds by descent, &c. 2 G. 1. 19. 19 G. 2. 11. 21 G. 2. 10. 10 Anne 23. sec. 2. Eng.

No papist (tho' not convicted) shall vote at elections of any member of VII. And for the better preventing papists from voting in elections : be it further enacted by the authority aforesaid, That no papist, though not convicted, shall be intitled or admitted to vote at the election of any member to serve in Parliament as knight, citizen, or burghers, or at the election of any magistrate for

for any city or other town-corporate; any law, statute; or usage, A. D. to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That no person shall be intitled or admitted to vote as a freeman at the election of any member to serve in Parliament, or of any magistrate in any city or other town-corporate, where such freeman hath not been free six calendar months before such election, unless such freeman came in and was admitted free by service to some trade, art, or mystery, in such city or town-corporate, or by birth-right, or unless such person was intitled to his freedom, and had demanded the same six months before such election.

IX. And to the intent that all persons concerned may have sufficient notice of the election of aldermen and burgeses on the death or removal of any of them: be it enacted by the authority aforesaid, That when any alderman, burgeses, or common council-man in any city or other corporation of this kingdom, where by the charter or usage no stated day or limited time is appointed for such election, shall happen to die, or be removed from, or resign his office of alderman, burgeses, or common council-man, the chief magistrate duly shall proceed to a new election of an alderman; burgeses, or common council-man, to serve in the room of such alderman, burgeses, or common council-man, so dying, removed, or resigning, within thirty one days after notice of the death, removal, or resignation of such alderman, burgeses, or common council-man; and the chief magistrate of such city or other corporation shall and is hereby required to give publick notice in writing, to be posted up in the most publick place of such corporation, of the day, time, and place of such election by the space of eight days next preceding the day of election to be made as aforesaid: and in case any alderman, burgeses, or common council-man, shall not be elected within thirty one days as aforesaid after notice to the chief magistrate of the death, removal, or resignation of any alderman, burgeses, or common council-man, then the chief magistrate of such city or other corporation shall and is hereby required to give publick notice in writing, to be posted up in the most publick place of such city or corporation, by the space of sixteen days next preceding the day of such election; and in case any chief magistrate shall offend herein, he shall forfeit for every such offence the sum of one hundred pounds, to be recovered as is herein after mentioned.

1727.  
Chap. 9.  
parliament or  
magistrate.  
2 Anne 6.  
2 G. 1. 19.  
nor a free-  
man, if not  
free 6 months  
before, unless  
by service to a  
trade, by birth,  
or intitled and  
demanded 6  
months be-  
fore.  
19 G. 2. 11.  
21 G. 2. 10.

In corpo-  
rations, on  
death or re-  
moval, &c.  
of alderman,  
burgesses, or  
common-  
council, where  
no stated day  
by charter or  
usage, chief  
magistrate  
shall proceed  
to election in  
31 days after  
notice,  
2 G. 1. 19.  
and post up  
publick notice  
8 days before.  
If not elec-  
ted in 31 days  
after notice to  
chief magi-  
strate of the  
death, &c.  
then he is to  
post up pub-  
lick notice 16  
days before.  
Penalty 100 l.

A. D. 1727. X. And be it further enacted by the authority aforesaid, That all pecuniary penalties inflicted by this act shall be paid to the informer or prosecutor, who shall prosecute the offender or offenders to conviction, with full costs; where such penalties shall not exceed the sum of one hundred pounds; and of all other pecuniary penalties hereby inflicted two thirds shall be paid to such informer or prosecutor with full costs, and the other third to the poor of the parish or place where the offence shall be committed; and the said penalties shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Dublin; and in none of the cases aforesaid shall any essoign, privilege of Parliament, or other privilege, protection, or wager of law be granted or allowed, nor any more than one imparlance.

Penalties to be paid to prosecutor with full costs, where not exceeding 100 l. of all others, 2 thirds to prosecutor, the other to the poor.

Prosecutions to be in one year.

XI. Provided always, That every information, action, or prosecution grounded upon this act, shall be commenced within the space of one year next after the cause of action shall arise, or the offence be committed, and not afterwards.

## C H A P. X.

*An act for regulating the measures made use of in buying and selling of corn, and for promoting husbandry in this kingdom.*

25 G. 2. 15. Corn, &c. shall be sold by weight, which is continued by 31 G. 2. 9.

7 Will. 3. 24. Ineffectual.

Agreements for making any addition or allowance to measures to evade 7 Will. 3 void.

WHEREAS an act made in this kingdom in the seventh year of the reign of King William the third of glorious memory, intituled, *An act for the better regulating of measures in and throughout this kingdom*, has hitherto proved ineffectual, by reason that most of the traders and dealers in corn and malt will not buy by the barrel or measure established by the said act; but demand and agree to have some quantity of corn, malt, or grain, to every barrel, or one barrel or more to every score, over and above the lawful measure; and for that the penalties provided by the said act are in some cases insufficient; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of June, which shall be in the year of our Lord one thousand seven hundred and twenty eight, all bargains, contracts, and agreements, for adding or allowing any quantity of corn, malt, or grain, to any barrel or bushel, over and above the measures established by the said act, or for allowing any

any more than twenty barrels to the score, or for making any other addition or allowance with intent to elude or evade the said act shall be void to all intents and purposes.

A. D.

1727.

Chap. 10.

II. And be it enacted by the authority aforesaid, That if any brewer, baker, malster, or other dealer in corn, shall by themselves, or by any person employed by them, or any of them respectively, at the same time, and from the same person or persons, buy any corn or grain to the quantity of or above one barrel, each barrel of the same shall be measured by the barrel, and not by the bushel, or any less measure.

Dealers in corn buying above 1 barrel at same time from same person, it shall be measured by the barrel.

III. And be it enacted by the authority aforesaid, That from and after the said first day of June, which shall be in the year of our Lord one thousand seven hundred and twenty eight, if any person or persons shall make or enter into any such contract or agreement as aforesaid, or if any such brewer, baker, maltster, or other dealer in corn, shall by themselves, or by any person employed by them, or any of them respectively, buy or receive any corn, malt, or grain, by any measure, that is not sealed and agreeable to the standard appointed by the said act, or shall any way alter such measure, after it is sealed, to make it contain more or less; or shall take or receive any corn, malt, or grain, otherwise than by strike, without heap or hand-wave, or shall use any other fraud or deceit in measuring corn, malt, or grain, contrary to the true intent and meaning of this present or the said act; every such person shall forfeit for every such offence the sums following: viz. for altering the measure fifty pounds, and for every other of the said offence the sum of ten pounds.

If such agreement made, or if such dealers buy corn, &c. not by standard measure, or alter the measure after sealed, or use any fraud in measuring, penalty for altering measure 50 l. other offences 10 l.

IV. And be it enacted by the authority aforesaid, That the said penalty of fifty pounds shall and may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's Four-courts in Dublin, by any person, who shall sue for the same; in which no protection, effoign, or wager of law shall be allowed, or more than one imparlance granted.

said 50 l. by action of debt, &c.

V. Provided always, That such action shall be commenced within the space of six calendar months after the time the said offence shall be committed.

in 6 months.

VI. And be it enacted by the authority aforesaid, That all the aforesaid penalties of ten pounds shall and may be sued for before the judge or judges of assize in their respective circuits, as in cases of civil bills, except only in the county of Dublin, where the said penalties last mentioned shall and may be sued for and recovered before the justices of the peace at their general quarter sessions, and in the county of the city of Dublin, where the same may be sued for and recovered before the lord-mayor and recorder

said 10 l. by civil bill,

der

A. D. 1727. Chap. 10. in 6 months. Said 50l. and 10l. to prosecutor and the poor. der at the general quarter-sessions, by civil bill; so as such civil bill be prosecuted within the space of six calendar months after the offence committed; which said forfeitures of fifty pounds and ten pounds shall be applied, one half to the informer, and the other half to the poor of the parish where such offence shall be committed.

Prejudicial to keep great quantity of land under stock: VII. And forasmuch as several persons in this kingdom keep great quantities of land under stock, to the great discouragement of tillage, and manifest prejudice to the poor of this kingdom: be it enacted by the authority aforesaid, That from and after the first day of November, which shall be in the year of our Lord one thousand seven hundred and twenty nine, all and every person and persons, who shall keep in his, her, or their own actual possession or occupation, any quantity of arable or pasture land (bog, mountains, rocky, craggy, or fenny land, not fit for plowing, wood-land, meadow, and parks inclosed with walls or pales, only excepted) amounting to one hundred acres plantation measure, so as the same do not lye within five miles of the city of Dublin, shall annually till, plow, and sow with corn or grain, five acres at the least plantation measure, and so proportionably for any greater quantity of any such arable or pasture land (other than as before excepted) that he, she, or they, shall so possess or occupy, notwithstanding any covenant, condition, contract, or agreement between landlord and tenant, to the contrary; from which said covenants, conditions, contracts, and agreements, so far forth as the same relate to the plowing of the said five plantation acres as aforesaid, the said tenant or tenants is and are by the authority of this present act discharged, saved harmless, and indemnified: and every such occupier or possessor, who shall neglect or refuse so to do, shall forfeit for every acre, that shall not be tilled, plowed, and sowed, according to the true intent and meaning hereof, the sum of forty shillings; to be recovered by civil bill, pursuant to an act, intituled, *An act for the recovery of small debts in a summary way before the judges of assize by any person or persons, that shall first sue for the same.*

Persons occupying 100 acres of arable or pasture (bog, &c. meadow and parks inclosed excepted) shall, if not within 5 miles of Dublin, yearly plow and sow 5 acres, and so proportionably, notwithstanding covenant with landlord to the contrary.

Penalty 40s. by civil bill.

But shall not graft up or burn the sod without consent.

VIII. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, who is or are hereby indemnified and discharged from such covenants, conditions, or agreements as aforesaid, shall have liberty to graft up or burn the sod of any of the land, demised to him or them, without the consent of the person or persons, to whom the immediate freehold and inheritance of the same lands shall for the time being belong.

*An act for the further improvement of the hempen and flaxen manufactures of this kingdom.*

**W**HEREAS a hall, commonly called the Linnen-hall, hath been lately erected at the expence of the publick within the suburbs of the city of Dublin for the reception of all such linnen cloaths, as shall and may be lodged there in order to be sold: for the better regulating and making the same answer the purposes, for which it was designed; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the trustees for encouraging the hempen and flaxen manufactures of this kingdom, or any seven or more of them, shall and may make, constitute, and appoint such rules, orders, and directions for regulating, governing, and directing the said Linnen-hall, and all cloaths lodged therein, and all factors, officers, and servants, employed in or about the said hall, and from time to time, and at all times hereafter, shall and may add to, alter, or amend the same, as they the said trustees, or any seven or more of them, shall judge fitting and proper. *Repealed 19 G. 2 6.*

II. Provided always, That such rules, orders, and directions, shall have no force or effect, until they be confirmed and approved of by the lord high chancellor, lord chief justice of the King's-bench, lord chief justice of the Common-pleas, and lord chief baron of the Exchequer of this kingdom for the time being, or any two or more of them.

III. And be it further enacted by the authority aforesaid, That the said trustees, or any seven or more of them, shall and may from time to time, and at all times hereafter, appoint such officers, factors, and servants to attend and execute the business of the said hall; and out of the funds applied to the use of the hempen and flaxen manufactures allow and pay them such wages and salaries, as they shall think fitting, not exceeding in the whole the sum of one hundred and twenty pounds *per annum*.

IV. And be it further enacted by the authority aforesaid, That if any complaint shall be made against such officers, factors, or servants, or any or either of them, for any fraud, misbehaviour, or neglect in his or their office; that it shall and may be lawful to and for the said trustees, or any five or more of them, on examination of the parties and such witnesses, as they shall produce, upon oath (which oath the said trustees are hereby empowered to administer) finally to hear and determine the same, and, if the said complaint be fully proved, to impose such fine upon such officers, factors, or servants, as the said trustees shall judge fitting, not exceeding the sum of twenty pounds for any one offence, for the use of such person who shall first make complaint thereof; and in case such fine shall not be paid at the time limited by the said trustees for the payment thereof, that then it shall and may be lawful to and for any person or persons empowered by warrant under the hands and seals of the said trustees, or any five or more of them, to levy the same by distress and sale of the offenders goods, rendering the overplus to the owner.

V. And to the intent that all linnen cloaths may be made of such breadths, as are fittest both for foreign markets and home consumption; be it enacted by the authority aforesaid, That from and after the first day of November next all linnen cloaths, made and manufactured in this kingdom, shall be of one of the breadths hereafter mentioned: (that is to say) all plain linnen cloath shall be in breadth,

V O L. V.

M m m

when

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 Chap. II. when whitened, either full half ell, or two and twenty inches and a half, or full three quarters of a yard, or full seven eight parts of a yard, or full yard, or full yard and half quarter, or full yard and quarter, or full yard and half in each piece; and all diapers and damasks, when whitened, shall be either of one of the breadths aforesaid, or full yard and three quarters, or full two yards, or full two yards and one quarter, or full two yards and half, or full two yards and three quarters, or full three yards, or full three yards and quarter, or full three yards and half, or full three yards and three quarters, or full four yards wide; and all tickings shall be in breadth full half yard, half ell, or three quarters of a yard, or full seven eight parts of a yard, or full one yard, or full yard and half quarter, or full yard and quarter, or full yard and half, or full yard three quarters, or full two yards wide; and every lapper in making up a piece of any of the cloaths aforesaid shall not only mark the length thereof, but shall also at each end of such piece of cloath mark or stamp the breadth of the same; and if such piece of cloath be not fully of one of the respective breadths herein above mentioned, then and in such case the said lapper shall mark or stamp thereon the statutable breadth, next under what the said cloath actually measures.

VI. And be it further enacted by the authority aforesaid, That no person or persons shall begin to lay down any piece of cloath, diaper, or damask, on any bleach-yard, green, or other place made use of for bleaching, between the fifteenth day of August and the first day of February following in any year; and if any linnen cloath, diaper, or damask shall be first laid down on any green or bleach-yard to be bleached between the fifteenth day of August and the first day of February in any year, and if any linnen-cloath, diaper, or damask shall be found lying on any bleach-yard, green, or other place used for bleaching, between the second day of November and the first day of February, every person or persons, on whose bleach-yard or green such cloath, diaper, or damask shall be so first laid down, or found lying between the respective days aforesaid, shall forfeit for every yard of the said cloath, diaper, or damask the sum of six pence *per* yard; to be paid and recovered in manner herein after mentioned.

VII. Provided always, That if any person or persons shall have any piece or pieces of cloath damaged by any accident, which may happen by the carriage thereof or otherwise, so that such piece or pieces of cloath cannot be preserved without immediate bleaching, and shall obtain a certificate from any one of his Majesty's justices of the peace, that such piece or pieces of cloath hath or have been so damaged, it shall and may be lawful to and for every such person and persons to lay down and continue such piece or pieces of damaged cloath at any time of the year in any bleach-yard or green; any thing in this act contained to the contrary thereof in any wise notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That every weaver shall from and after the first day of November next stamp his name in legible characters with oyl and lamb-black on one end of any piece of green cloth, he, his journeyman or apprentice shall weave or work, under the penalty of five shillings for every such piece of cloath not so stamped as aforesaid; and any person or persons, who shall after the time aforesaid expose to sale any green cloath without such weaver's name, shall for every piece of such cloath forfeit the sum of one shilling.

IX. And be it further enacted by the authority aforesaid, That every master linnen-weaver shall have and keep in good order and repair four sufficient reeds marked with the two first letters of his name; to wit, one reed for weaving therein a ten hundred cloath, one for an eleven hundred cloath, one for a twelve hundred cloath, and one other for a fifteen hundred cloath, under the penalty of five shillings for every such reed as he shall at any time want; and every such weaver, not having such four good and sufficient reeds for his own, his journeymen, and apprentices use, shall not be exempt from serving as petty constable, church-warden, or sidesman, or serving on juries, pursuant to the act made in the fourth year of the reign



## The first year of George II.

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of the late Queen Anne, intituled, *An act for the improvement of the hempen and flaxen manufactures in this kingdom.* A. D.

1727.

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X. And be it further enacted by the authority aforesaid, That no master linnen-weaver shall take, hire, or employ any journeyman linnen-weaver, who has not a discharge in writing signed by the linnen-weaver, for whom he last worked, or, in case of such weaver's refusing such discharge without just cause or reason, under the hand of some neighbouring justice of the peace, under the penalty of five pounds.

XI. And whereas divers of the linnen-weavers, instead of duly teaching and instructing their apprentices in their trade, employ them great part of the time of their apprenticeship in husbandry and other sort of work no ways relating thereto, by means whereof such apprentices, when they have served their time, are in great measure ignorant of their trade, and incapable of carrying on the business thereof in a workmanlike manner: be it therefore enacted by the authority aforesaid, That no linnen-weaver shall employ his apprentice for any unreasonable time in husbandry, or any other work, or labour, not relating to the business or trade of a weaver, except only during twenty four days in harvest in every year, under the penalty of forfeiting for the first offence the sum of ten shillings, and for the second offence the sum of twenty shillings, and for the third offence, on being convicted thereof, such apprentice shall and may, if he desires the same, be discharged from serving the remaining time of his apprenticeship: provided always that such apprentice makes his complaint to some justice of the peace, or the chief magistrate of the city or town, where he shall dwell, within one kalendar month after the cause of complaint.

XII. And whereas all methods hitherto used have proved ineffectual to oblige the people of this kingdom to reel and divide their yarn in a regular and fair manner: be it further enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and twenty nine all linen-yarn, which shall be found in the custody or possession of any spinner, maker, or reeler of linen-yarn, or of any person or persons following the trade or occupation of a yarn-buyer, commonly called grey-merchants or pedlars, or of any person or persons in trust for them, or any of them, or for his or their benefit, which shall not be reeled and made up according to the directions of the acts of Parliament in this kingdom for that purpose made, shall be subject and liable to the like seizure, forfeiture, and condemnation, as if the same had been actually exposed to sale in open market.

XIII. And whereas by an act passed in the sixth year of the reign of the late Queen Anne, intituled, *An act for the further encouragement and improvement of the hempen and flaxen manufactures*, it is enacted, "That every cut of one hundred and twenty threads be sub-divided into six loops, and that every loop shall contain twenty threads:" be it further enacted by the authority aforesaid, That the said clause, or part of the said act, be and is hereby repealed.

6 Ann. 3.

XIV. And be it further enacted by the authority aforesaid, That any person or persons, impowered under the hands and seals of any five or more of the trustees for the hempen and flaxen manufacture, may and are hereby impowered in the day-time to enter into any house, private or publick shop, or other private place where yarn is sold or kept for sale by any grey-merchant or pedlar, and examine the same; and in case entrance be refused to any person impowered as aforesaid, the person so refusing shall forfeit the sum of ten pounds; to be recovered in such manner as the other penalties and forfeitures in this act are to be recovered.

XV. And be it further enacted by the authority aforesaid, That all and every the sum and sums of money forfeited by virtue of this act, or of any clause therein contained, other than and except the fines to be imposed by the said trustees as aforesaid, shall be paid and belong to such person or persons, who shall first make complaint of the respective offences herein before mentioned, to any one or more of the justices of the peace of the county, or chief magistrate of the city or town where the offenders live; which said justice or justices of the peace, or chief magistrate, within their respective jurisdictions, shall and may summon such offenders

to

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Chap. II. to appear before them at a certain time and place, and shall upon examination of such of the parties, as shall then appear, and of such witnesses as they shall produce, on oath, (which oath they are hereby impowered to administer) finally hear and determine such complaint, and issue his or their warrant to any one or more of the constables of such county, city, or town, requiring and impowering him or them by distress or sale of the offenders goods (the overplus whereof shall be rendered to the owners) to raise and levy the respective forfeitures and penalties by such offenders incurred, and pay the sums so levied to the person or persons intitled to the same, deducting thereout the sum of one shilling and no more for the constables trouble in executing such warrant.

10 G. I. 2. XVI. And whereas by an act passed in the tenth year of the reign of his late Majesty King George the first, intituled, *An act for amending the several laws now in force for encouraging the hempen and flaxen manufactures in this kingdom and for the further improvement thereof*, the like premiums are given for sail-cloth made of Irish hemp cut into sails for the use of any ship, on taking the oaths therein mentioned, as if such sail-cloth were exported: be it enacted by the authority aforesaid, That the like premiums shall be given and paid for all sail-cloth made of Irish hemp, that shall be cut and made into sails for the use and reasonable furniture of any sloop, boat, or other vessel by the same persons, and in the same manner, and upon making the like oaths, as if the same were made into sails for any ship, and as are directed by the said recited act, or any other act in force in this kingdom.

XVII. And be it further enacted by the authority aforesaid, That if any justice of the peace or chief magistrate of any city or town within this kingdom shall wilfully neglect or refuse to execute the powers and authorities vested in him by this or any other of the acts passed in this kingdom relating to the flaxen and hempen manufactures, or shall not put the same in execution according to the true intent and meaning thereof, and shall be prosecuted for the same with the approbation of any five or more of the said trustees for encouraging the hempen and flaxen manufactures of this kingdom; such justice of the peace or chief magistrate, being thereof lawfully convicted upon information or indictment exhibited in his Majesty's court of King's bench, or before the judges of assize in their circuits, shall be fined by the justices, before whom such conviction shall be had, in any sum not exceeding one hundred pounds.

4 G. I. 4. XVIII. And whereas by a clause in an act made in the fourth year of the reign of his late Majesty King George the first of glorious memory, intituled, *An act for exempting British linen imported from all duties, and granting to his Majesty an additional duty on cordage, and for the more effectual preventing frauds and abuses in the hempen and flaxen manufactures of this kingdom, and for the further encouragement thereof*, the respective surveyors or land-waiters of every port within this kingdom, or such other officer or officers as the commissioners of his Majesty's revenue should appoint, were required from time to time from and after the twenty fifth day of December one thousand seven hundred and seventeen to mark and stain with the impression of a harp and crown of a red colour, or to seal with such seal as the said commissioners of the revenue should direct, every piece of white, painted, or stained calicoes, and of all sail-cloth, canvas, hollands, cambricks, lawns, kerseys, and other foreign linen, which should be imported into this kingdom, and to keep an entry and registry thereof: and whereas great quantities of such goods so imported into this kingdom have been from time to time stamped with counterfeit stamps, so artfully contrived as not to be easily distinguished from the real and genuine stamp; by which means the said act hath been made a protection and encouragement for the running of such goods, and the fund intended for supporting the linen manufacture is very much impaired and lessened: for remedy whereof be it enacted by the authority aforesaid, That the said recited and any other clauses of the said act, as any way relate to the stamping of such calicoes, linen, or goods, or that

that impose any fine, penalty, or forfeiture for the not stamping thereof, be from A. D. henceforth repealed and made null and void.

XVIII. And whereas by an act passed in the ninth year of the reign of her late Majesty Queen Anne, intituled, *An act to enforce such acts, as have been made for the improvement of the linnen manufacture, and for a further regulation of the same*, an additional duty of one shilling and six pence per yard was laid upon all white, painted, and stained callicoos, and six pence per yard on all linnens, which should be imported into this kingdom, to be applied to encourage the hempen and flaxen manufactures thereof; which said duties from time to time have been by several acts continued until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and thirty: and whereas great quantities of painted or stained muslins have of late been imported into this kingdom in imitation of painted or stained callicoos, and a doubt hath arisen, whether the same are liable to the said additional duties on callicoos: be it enacted by the authority aforesaid; That the said additional rate or duty of one shilling and six pence per yard for every yard of such white, painted, or stained callicoe, and six pence for every yard of any sort of linnen cloth not of the growth or manufacture of Great-Britain, shall be and continue due and payable to his Majesty, his heirs and successors, for all such white, painted, and stained callicoos and linnens, which shall be imported into this kingdom until the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred and thirty five, and from thence to the end of the session of Parliament then next following; and that all such painted and stained muslins imported into this kingdom shall be subject and liable to the said additional duty of one shilling and six pence per yard for the same time, and to be paid in like manner as the said additional duty on painted or stained callicoos; which said additional duties on white, painted, and stained callicoos, and painted and stained muslins and linnen, shall be applied to the uses of the hempen and flaxen manufactures of this kingdom, and be subject to the disposal, order, and management of the trustees appointed for the encouraging the said hempen and flaxen manufactures.

XIX. And whereas it is enacted in and by the said herein before recited act made in the fourth year of the reign of her late Majesty Queen Anne, intituled, *An act for the improvement of hempen and flaxen manufactures in this kingdom*, that every linnen-weaver being a protestant, having served his apprenticeship to the said trade for the space of five years, and worked two years after at the same as a journeyman, and being set up for himself, and keeping one loom or more constantly employed in the linnen manufacture; shall be a freeman of the city or town corporate, wherein he shall set up his trade, during his residence and following the said trade therein, by virtue whereof several linnen-weavers claim a right to vote in the election of magistrates in cities and corporations, and of members to serve in Parliament for several cities and burroughs in this kingdom, where freemen have a right to vote in such election: be it therefore declared and enacted by the authority aforesaid; That from and after the first day of May one thousand seven hundred and twenty eight no linnen-weaver, who by virtue of the said act only is and shall be free of any city, burrough, or town corporate in this kingdom, shall have any right to vote in the election of any magistrate for such city, burrough, or town corporate, or of any member to serve in this or any future Parliament in this kingdom by virtue of such freedom.

*An act for the more easy recovery of tythes and other ecclesiastical dues of small value.*

7 & 8 Wil. 3.  
6. Eng.

Tithes, compositions, and ecclesiastical dues not above 40 s. yearly from 1 person, shall be set out and paid according to rates and customs of the parishes.

on non-payment 20 days, and complaint in writing to 2 justices of the county,

5 G. 2. 6.  
one justice, where not above 5 s.

who shall summon the party, giving 4 days notice, determine, and on proof give reasonable allowance for the same, and costs not above 10 s.

**F**OR the more easy and effectual recovery of tythes and other ecclesiastical dues of small value, where the same shall be unduly substracted and detained, and where the same do not amount to above the yearly value of forty shillings from any one person; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all tythes from henceforth, where the same do not amount to above the yearly value of forty shillings from any one person, and all and singular the compositions and agreements for the same, with all offerings and other ecclesiastical dues of like value, shall be well and truly set out and paid to the several rectors, vicars, and other persons, to whom they are or shall be payable in their several parishes within this kingdom, according to the rates, customs, and prescriptions commonly used within the said parishes respectively.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall hereafter substract, or withdraw, or any ways fail in, the payment of such tythes, offerings, ecclesiastical dues, or compositions as aforesaid, by the space of twenty days at most after demand thereof, then it shall and may be lawful for the person or persons, to whom the same shall be due, to make his or their complaint in writing unto two or more of his Majesty's justices of the peace of that county, county of a city, or county of a town, where the same shall grow due; and where such complaint shall be brought before two or more justices of the peace as aforesaid concerning such tythes, offerings, ecclesiastical dues or compositions as aforesaid, the said justices are hereby authorized and required to summon in writing under their hands and seals by giving four days notice at the least to every such person or persons, against whom any complaint shall be made as aforesaid; and after his or their appearance, or upon default of such appearance the said warning or summons being proved before them upon oath, the said justices of the peace, or any two or more of them shall proceed to hear and determine the said complaint; and upon the proof, evidences, and testimonies produced before

them, shall in writing under their hands and seals adjudge the case, and give such reasonable allowance and compensation for such tythes, offerings, ecclesiastical dues, or compositions as aforesaid, so subtracted or with-held, as they shall judge to be just and reasonable; and also all such costs not exceeding ten shillings, as upon the merits of the cause shall appear to be fit: provided always that no justice of the peace shall have authority to hear and determine any of the matters aforesaid, who shall not have an estate of free-hold in lands, tenements, or hereditaments within this kingdom of the yearly value of one hundred pounds, except the several and respective justices of the peace in counties of cities or counties of towns, who shall and may proceed in the execution of this statute as aforesaid within their respective jurisdictions, notwithstanding such justices of the peace shall not have such estate of free-hold: provided also, that no justice of the peace shall be qualified to hear and determine any of the matters aforesaid, who shall not be resident in the county, county of a city, or county of a town, where the tythes, ecclesiastical dues, or compositions in question, shall arise, or who shall be patron of the church or chappel, in right of which the said tythes, ecclesiastical dues, or compositions shall be demanded, or who shall be any ways interested in such tythes, ecclesiastical dues, or compositions as aforesaid, or who shall be a clergyman in holy orders.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall refuse or neglect by the space of ten days after notice given to pay or satisfy any such sum of money, as upon such complaint and proceeding shall by two or more justices of the peace be adjudged as aforesaid; in every such case the constables and church-wardens of the said parish, or one of them, shall, by warrant under the hands and seals of the said justices to them directed, distrain the goods and chattels of the party so refusing or neglecting as aforesaid; and, after detaining them three days in case the said sum so adjudged to be paid, together with reasonable charges for making and detaining the said distress, be not tendered or paid by the said party in the mean time, shall and may make publick sale of the same, and pay to the party complaining so much of the money arising by such sale, as may satisfy the said sum so adjudged; retaining to themselves such reasonable charges for making and keeping the said distress, as the said justices shall think fit, and shall render the overplus (if any there be) to the owner.

A. D.

1727.

Chap. 12.

said justices must have freehold of 100 l. per ann. except in counties of cities or towns.

must be resident, no ways interested, not in holy orders.

On non-payment 10 days after notice, constables, &c. may distrain, and sell publicly after 3 days, if no payment or tender, 5 G. 2. 6. Distress nearest the value.

and satisfy the sum and charges, restoring overplus.

IV. Pro-

A. D. 1727. IV. Provided always, and be it enacted by authority aforesaid, That it shall and may be lawful for all justices of the peace in the examination of all matters, whereof jurisdiction is given to them by this act, to administer an oath or oaths to any witness or witnesses, where the same shall be necessary for their information, and for the better discovery of the truth.

Justices in the examination may administer oaths. Complaint must be in 2 years.

V. Provided also, and be it enacted by the authority aforesaid, That no complaint for or concerning any such tythes, offerings, or other ecclesiastical dues or compositions hereafter due, shall be heard and determined by any justices of the peace by virtue of this act, unless the complaint shall be made within the space of two years next after the times that the same tythes or other ecclesiastical dues and compositions did become due or payable; any thing in this act contained to the contrary notwithstanding.

Appeal to Sessions:

VI. Provided also, and be it enacted by the authority aforesaid, That any person or persons finding him, her, or themselves aggrieved by any judgment to be given by any two justices of the peace, shall and may appeal to the next general quarter-sessions to be held for that county, county of a city, or county of a town, and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment, if they shall see cause; and if the justices then present, or the major part of them shall find cause to confirm the judgment given by the two first justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels of the said appellant, as to them shall seem just and reasonable; and no proceedings or judgment had or to be had by virtue of this act shall be removed or superseded by any writ of *certiorari*, or other writ, out of his Majesty's courts at Dublin, or any other court whatsoever unless the title of such tythes or other ecclesiastical dues shall be in question; any law, statute, custom, or usage, to the contrary notwithstanding.

Costs if judgment affirmed.

no *certiorari*, &c. unless the title in question.

if prescription, *modus*, agreement, or title, to be free from such dues is insisted on, and delivered in writing to the justices, and subscribed, and security given to pay costs of trial if not allowed, the justices shall forbear,

VII. Provided always, and be it enacted by the authority aforesaid, That where any person or persons, complained of for subtracting or withholding any such tythes or other dues aforesaid, shall before the justices of the peace, to whom such complaint is made, insist upon any prescription, composition, or *modus decimandi*, agreement or title, whereby he, she, or they is or ought to be freed from payment of the said tythes or other dues in question, and deliver the same in writing to the said justices of the peace, subscribed by him, her, or them, and shall then give to the party complaining reasonable and sufficient security to the satisfaction

satisfaction of the said justices, to pay all such costs and damages A. D.  
as upon a tryal at law, to be had for that purpose in any of his 1727.  
Majesty's courts having cognizance of that matter, shall be given Chap. 12.  
against him, her, or them, in case the said prescription, compo-  
sition, or *modus decimandi*, shall not upon the said tryal be allowed,  
that in that case the said justices of the peace shall forbear to give  
any judgment in the matter; and that then and in such case the  
person or persons so complaining shall and may be at liberty to  
prosecute such person or persons for the said subtraction in any  
other court or courts whatsoever, where he, she, or they might  
have sued before the making of this act; any thing in this act to  
the contrary notwithstanding.

and com-  
plainant may  
sue in any  
other court.

VIII. And be it further enacted by the authority aforesaid, Judgment shall be inrolled next sessions.  
That every person and persons, who shall by virtue of this act  
obtain any judgment, or against whom any judgment shall be ob-  
tained, before any justices of the peace out of sessions for such  
tythes or other ecclesiastical dues or compositions, may cause or  
procure the said judgment to be enrolled at the next general quar-  
ter sessions to be holden for the said county, county of a city,  
or county of a town; and the clerk of the peace for the said coun-  
ties respectively is hereby required upon tender thereof to enroll  
the same; and that he shall not ask or receive for the enrolment  
of any one judgment any fee or reward exceeding one shilling;  
and that the judgment so enrolled, and satisfaction made by pay-  
ing the sum so adjudged, shall be a good barr to conclude the said  
rectors, vicars, and other persons, from any other remedy for the  
said tythes or other ecclesiastical dues or compositions, for which  
the said judgment was obtained.

Fee 1 s.

Bar to  
other remedy.

IX. And be it further enacted by the authority aforesaid, That  
if any person or persons, against whom any such judgment or  
judgments shall be had as aforesaid, shall remove out of the  
county, county of a city, or county of a town, after judgment  
had as aforesaid, and before the levying the sum or sums thereby  
adjudged to be levied, the justices of the peace, who made the  
said judgment, or one of them, shall certify the same under his  
or their hands and seals to any justice of the peace of such other  
county, city, or place, wherein the said person or persons shall be  
inhabitants; which said justice is hereby authorized and required  
by warrant under his hand and seal to be directed to the constables  
or church-wardens of the place, or one of them, to levy the sum  
or sums so adjudged to be levied as aforesaid upon the goods and  
chattels of such person or persons, as fully as the said other jus-  
tices might have done, if he, she, or they had not removed as  
aforesaid; which shall be paid according to the said judgment.

on removing  
to another  
county after  
judgment, the  
justices shall  
certify it to  
any justice  
thereof, who  
shall direct to  
be levied as  
aforesaid.

A. D. 1727. X. Provided always, and be it enacted by the authority  
 Chap. 12. aforeſaid, That no vicar or other perſons ſhall have remedy  
 by this act to recover ſuch tythes or other dues aforeſaid, which  
 became or were due before the making of this act, unleſs  
 complaint be made to the juſtices of the peace in form afore-  
 ſaid before the twenty fourth day of June, which ſhall be  
 in the year of our Lord one thouſand ſeven hundred and twenty  
 eight.

If com-  
 plaint vexati-  
 ous, coſts not  
 above 10s.

double coſts  
 to perſons ſu-  
 ed for exe-  
 cuting this  
 act, on non-  
 ſuit, &c.

XI. And be it declared and enacted by the authority afore-  
 ſaid, That the ſaid juſtices of the peace, who ſhall hear and deter-  
 mine any matters aforeſaid, ſhall have power to give coſts not  
 exceeding ten ſhillings to the party proſecuted, if they ſhall find  
 the complaint to be falſe and vexatious ; which coſts ſhall be le-  
 vyed in manner and form aforeſaid.

XII. Provided alſo, and be it further enacted by the authority  
 aforeſaid, That if any perſon or perſons ſhall be ſued for any  
 thing done in execution of this act, and the plaintiff in ſuch ſuit  
 ſhall diſcontinue his action, or be nonſuit, or a verdict paſs againſt  
 him, that then in any of the ſaid caſes ſuch perſon or perſons  
 ſhall recover double coſts.

if ſuit be-  
 gan for ſuch  
 tythes in Ex-  
 chequer or  
 court eccleſi-  
 aſtical, no be-  
 nefit by this  
 act for ſame  
 matter.

Continu-  
 ance 3 years.

*Continued*

5 G. 2. 6.

7 G. 2. 7.

13 G. 2. 4.

15 G. 2. 6.

and 11 years,

&c. 47

25 G. 2. 6.

from 25

March 1753.

XIII. Provided always, That any clerk or other perſon or per-  
 ſons, who ſhall begin any ſuit for recovery of ſuch tythes or other  
 eccleſiaſtical dues, not exceeding the value of forty ſhillings, in  
 his Maſteſty's court of Exchequer, or in any the eccleſiaſtical  
 courts, ſhall have no benefit by this act, or any claufe in it, for  
 the ſame matter for which he or they have ſo ſued.

XIV. Provided always, and be it further enacted by the au-  
 thority aforeſaid, That this act ſhall continue in force for the  
 ſpace of three years, and from thence to the end of the then next  
 ſeſſion of Parliament, and no longer.

C H A P.



*An act for explaining and amending several laws made for amending the highways and roads in this kingdom; and for the application of the six days labour.*

**W**HEREAS, notwithstanding the many good laws already made for the amending and repairing the highways in this kingdom, several things are by experience found to be yet wanting to attain the end intended by the said laws; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the eighth day of May one thousand seven hundred and twenty eight no presentment shall be made for making or repairing any highways, causeways, cashes, toghers, or roads within this kingdom, or for raising any money to make or repair the same, but at the assizes to be holden for the county, where such highways, causeways, cashes, toghers, or roads so to be repaired or amended lye; and that no such presentment shall be made at any general quarter-sessions, except at the general quarter-sessions to be held for the county of Dublin, and for the county of the city of Dublin, where such presentments may be made as heretofore hath been used; any thing herein contained to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That the time for naming and appointing overseers of the highways within the respective parishes in this kingdom shall be on the Tuesday or Wednesday next after Michaelmas-day in every year; and that the overseers then to be named and appointed shall and may have, use, and execute such and the like powers and authorities, as overseers of the highways named and appointed on the Tuesday or Wednesday in Easter-week did or could lawfully use and exercise; any former law, usage, or custom to the contrary thereof in any wise notwithstanding; and that a vestry shall be called and held yearly in every parish on the Tuesday or Wednesday after Michaelmas-day for that purpose: and if the parishioners of any parish or parishes shall fail or neglect at the time aforesaid to name and appoint such overseers, it shall and may be lawful to and for the grand jury at the quarter-sessions, or, in case of their neglect, to and for the grand-jury at the next assizes held for the said respective counties, where such default or neglect shall be, to nominate and appoint overseers of the highways, peace.

11, 12, 13  
1. 7.  
4 Anne 6.  
9 Anne 9.  
13 G. 2. 10.  
33 G. 2. 8.  
The laws for repairing highways in effectual.

No presentment for roads except at assizes:

but at general quarter-sessions for Dublin.

Time for appointing overseers, Tuesday or Wednesday after Michaelmas yearly,

at vestry:

on failure of parishioners, by grand-jury at sessions.

4 Anne 6.  
on their default grand-jury at assizes, 33 G. 2. 8.  
two justices of ways, peace.

A. D. 1727. ways, and order and apply the six days labour in such manner, as the parishioners or the overseers of the highways of the said Chap. 13. respective parishes might or ought to have done.

and may  
apply the six  
days labour.

in present-  
ment for re-  
pairing high-  
ways, grand-  
jury may ap-  
point a skilful  
director,

salary not  
above 2 s and  
6 d. *per diem*;

and to di-  
rect several  
roads, if near  
each other,

at the same  
salary.

Parishioners  
in vestry may  
appoint di-  
rector;

the like sa-  
lary, so as not  
above 40 s. in  
one year.

For every  
plowland in  
tillage or pas-  
ture, and  
keeping a  
draft or plow,  
and so in pro-  
portion (so as  
not less than  
1 4th.) shall  
be sent every  
day 1 cart  
with 2 horses  
and 2 men, or

III. And forasmuch as it has been found by experience, that the roads made or amended by and under the direction of persons skilled and practised therein are much better and more lasting, than such as are made by the ordinary workmen and labourers without such instruction and direction: be it enacted by the authority aforesaid, That in every presentment to be made by the grand jury for the amending or repairing any highway, causeway, cash, togher, or road, it shall and may be lawful to and for such grand jury in every such presentment to nominate and appoint some able, knowing, and skilful person, to be the surveyor or director of the said work so presented to be done; and in such presentment to name and appoint such wages or salary for such surveyor or director, as to the said grand jury shall seem meet and reasonable; so as such wages or salary do not exceed two shillings and six pence *per diem*; which said salary or wages to such director or surveyor shall be raised and paid in such manner, as other publick county-charges are raised and paid: and if it shall happen, that more presentments than one shall be made for the repairing and amending any highways, causeways, cashes, toghers, or roads, which shall be so near to each other, as that the same surveyor or director can conveniently attend and look after the same, it shall and may be lawful to and for the said grand jury to appoint the same person to direct the said several roads or works; so as such surveyor or director shall have no other or greater wages or salary for the same by the day, than he should or might have for his attendance and care of one such work or road only; and that it shall and may be lawful for the parishioners of every parish in their vestry, when they appoint the overseers of the highways, in like manner to appoint a director with wages as aforesaid, not exceeding two shillings and six pence *per diem*, to be raised as other parish cesses and charges are raised, so as the sum to be raised for such director does not exceed the sum of forty shillings in any one year.

IV. And whereas carts and wains are very rarely used in this kingdom: be it enacted by the authority aforesaid, That every person or persons for every plow-land in tillage or pasture, that he, she, or they shall occupy, and every other person or persons keeping a draft or plow, and so in proportion for every part of a plow-land, draft, or plow, so as it be not less than one fourth part, estimating one car and horse to be equal to two men, shall find and send at every day and place to be appointed for the amending of the highways, causeways, cashes, toghers, and roads,

roads, according to the intent and meaning of this act, one cart A. D. with two horses and two men, or two carts with wheels and two 1727. men, and, in such places where wheel-cars are not used, three Chap. 13. slide-cars and two men, or three horses with creels or cleeves with two men; which carrs shall be either boxed or fitted with 2 wheel or 3 slide-carrs and two men, or 3 horses with cleeves and 2 men. sufficient baskets or other conveniencies to carry gravel or other necessities for the repair of such highways, causeways, cashes, toghers, and roads, to be allowed and approved by the director or overseers appointed for that purpose, there to remain and work Said carrs to have baskets for gravel: during the said six days, if thereunto required by the said overseers, for the space of eight hours in every day; and such cars to work 8 hours each of the 6 days, if required: and such cars, or horses with creels or cleeves as aforesaid, shall be deemed and taken as sufficient, as if such person or persons which as sufficient as if wains sent as by 11, 12, 13 f. 1. 7. had sent one wain or cart with oxen or horses, as by the statute made in the eleventh, twelfth, and thirteenth, years of the late King James the first is directed and appointed.

V. And whereas it has been doubted, whether herds, grafs-keepers, shepherds, or bailiffs, are not exempted, as being hired Herds, bailiffs, &c. not being menial servants living in the house, shall do 6 days labour. servants, from doing the six days labour: be it enacted by the authority aforesaid, That all and every herd, grafs-keeper, shepherd and bailiff, not being a menial servant living in the house of his or their master, shall by himself or some sufficient labourer do and perform the six day labour in such manner, as other householders, cottagers, or labourers, are by the laws of this kingdom obliged to do.

VI. And whereas, if the laws now in force were duly put in execution, and the six days labour duly exacted and rightly applied, the highways of this kingdom might be kept in better repair, and less money raised than hath been hitherto for the doing thereof, be it enacted by the authority aforesaid, That the overseers, as well those chosen by the respective parishes, as those appointed by the respective grand-juries as aforesaid, shall and may have power Overseers may appoint times and places, between last of April and 1st of August, to appoint the times and places, when and where the six days labour shall be employed, so as the time so to be appointed by them be between the last day of April and first day of August, and shall and may by writing under their hands, directed to the respective constables of the several parishes, require the several persons therein named to attend them at the times and places therein mentioned, to do and perform the six days labour according to the aforesaid statute made in the reign of the said King James the first: and if any constable or constables shall neglect or fail duly to summon the several persons named in such order and writing, every such constable so offending shall forfeit for every such fault or neglect a sum not exceeding twenty shillings; and and direct constables to require attendance to 6 days labour.

A. D. 1727. every person so summoned, who shall fail or neglect by himself, or by a sufficient labourer in his place, to attend according to such order or summons, and to work during the time aforesaid, shall forfeit for every such offence the sum of one shilling *per* day for every day he shall so fail or neglect; and every person, who ought to send or bring a cart or carts, car or cars, horse or horses, and, being duly summoned, shall fail or neglect to send or bring the same, or, if being sent or brought, they shall not work during the time aforesaid, shall forfeit for every cart with two horses and two men the sum of four shillings *per* day for every day he shall so fail or neglect; and for every car with one man two shillings *per* day as aforesaid; and for every three slide cars and two men, or three horses with creels or kishes and two men, four shillings *per* day as aforesaid, and proportionably for every horse or man so neglected to be brought or sent, or not working, as aforesaid.

Penalty on constable 203.

Penalties for not attending when summoned, or not sending carts, &c.

Agreement to do a certain part in lieu of six days labour discharges therefrom.

33G. 2. 8. where agreement not performed in ten days.

On complaint by director or an overseer, and proof, a justice may by warrant summon offender, and levy penalties by sale,

or, if no goods, commit to goal, &c.

VII. Provided nevertheless, That if the said overseers or director shall agree with any one or more of the persons, so bound to do six days labour as aforesaid, to do and perform any certain quantity or portion of the said work in lieu of the six days labour for that year, which they are hereby impowered to do, that the person and persons, doing and performing the work so agreed on according to the good liking of the said overseers or director, shall be freed and discharged from any further work during the rest of the said six days; any thing herein or in any other law to the contrary notwithstanding.

VIII. And for the effectual levying the said penalties herein before mentioned be it enacted by the authority aforesaid, That upon complaint to be made by the director (if there shall be a director) or by the overseers, or one of them, in case there shall be no such director, to one or more of the neighbouring justices of the peace of any of the offences aforesaid, and proved by the oath of such director, overseer, or some other credible witness, such justice or justices of the peace upon such complaint and oath made shall by his or their warrant call the offender or offenders before him or them, and on default of appearance, or on conviction, such justice or justices of the peace shall cause the respective penalties to be levied by sale of the offenders goods, or a sufficient part thereof, as in such cases is usual, restoring the overplus, if any be, to the owner of such goods; and if such offender or offenders have not sufficient goods, whereout the aforesaid respective penalties can or may be levied, then and in such case it shall and may be lawful to and for the said justice or justices of the peace, before whom such complaint as aforesaid shall be made, and such justice and justices are hereby required, to com-

mit such offender or offenders to the county goal, there to remain without bail or mainprize until he or they shall pay the fine and fines, for which he or they shall be so committed as aforefaid, or to send such offender or offenders to the house of correction, there to remain for any time not exceeding the space of fourteen days: provided such complaint be made within forty eight hours after the respective offences are committed, and not otherwise: and if the said director or overseers respectively shall omit or neglect to complain within the time aforefaid of all or any of the offences aforefaid, which shall be committed by any person or persons under his or their direction and inspection, and of which he or they shall have due notice or knowledge, such director or overseers so offending therein, and being thereof lawfully convicted before one or more justice or justices of the peace, shall for every such offence forfeit the sum of twenty shillings, to be levied and raised in such manner as the before mentioned fines or penalties are hereby directed to be levied and raised, so as proof of such neglect or omission be duly made upon oath within twenty days after such neglect or omission.

A. D. 1727.  
Chap. 13.  
if complaint in 48 hours.  
33 G. 2. 8.  
enlarged to 10 days.  
Omitting to complain, on notice, penalty 20s. if proved in 20 days.  
further penalty on overseers, 33 G. 2. 8.

IX. And be it further enacted by the authority aforefaid, That all highways, causeways, cashes, toghers, or roads, to be repaired and amended in pursuance of and according to the direction of this or any former act, shall be paved or well and sufficiently covered with gravel twelve foot in breadth at the least;

Roads, &c. to be paved or gravelled, 4 1/2 foot in breadth.

and if it shall appear by the oaths of two credible and substantial persons, that any road or roads, which shall be presented to be amended or repaired, cannot be repaired before the next assizes following by the six days labour only, then and in such case, and not otherwise, it shall and may be lawful for the grand jury making such presentment to present so much money for the doing thereof, as shall be judged necessary, over and above the six days labour to be applied thereto; which presentment shall be made, and the money raised thereupon, in such manner as has been heretofore used.

On oaths of 2 persons that the road cannot be repaired before next assizes by 6 days labour only, grand-jury may present over and above. Repealed 33 G. 2. 8.

X. And be it enacted by the authority aforefaid, That when and as often as it shall happen, that the six days labour of any parish shall not be presented to be applied to any highways, causeways, cashes, toghers, or roads, lying within such parish, it shall and may be lawful to and for the grand jury at the assizes to present the said six days labour to be applied to any other road or highway out of the said parish, so as no person within such parish shall be obliged to go, or to send any cart, wain, car, horse, or man, more than three miles to such work or labour from his dwelling-house or place of abode; which six days labour, so presented to be done out of the said parish, shall be done and performed in such manner, and under such penalties, as if the said work so presented were to be done within the said parish;

Six days labour not being applied may be presented at assizes to be applied out of the parish: so as none obliged to go or send above three miles.

A. D. parish; any former law or usage to the contrary notwithstanding.  
1727.

Chap. 13. XI. And be it enacted by the authority aforesaid, That all parish-tools already provided, or hereafter to be provided, for the repairing or amending the highways or roads shall be kept in some proper and convenient publick place belonging to each parish, and that such tools shall from time to time be repaired and kept in order at the expence of each respective parish.

Parish-tools kept in a publick place in order at expence of each parish.

9 Anne 9. Overseers shall account at every assizes in writing, as to the highways, &c.

9 Anne 9.

and annex affidavit before the judge.

Constable shall first make oath before a justice truly and without favour, &c. to do his duty :

penalty, 20 s.

Certificate of oath without fee.

in large ap-  
rishes more  
constables  
may be ap-  
pointed.

XII. And be it enacted by the authority aforesaid, That the overseers of all highways, causeways, cashes, toghers, and roads, which shall be hereafter amended or repaired, shall at every assizes give in an account in writing, setting forth what highways or roads have been amended or repaired within their respective parishes or districts since the last foregoing assizes, how much the same contains in length and breadth, and where the same begins and ends, and in what manner the same hath been repaired, whether the same has been paved or gravelled, how many days the director attended the same, and what money hath been expended or laid out thereupon, and to whom the same has been respectively paid; of the truth of which account the said respective overseers shall make oath by an affidavit to be sworn before the judge or judges of assize, and to be thereunder written or annexed thereto.

XIII. And be it enacted by the authority aforesaid, That the constable of each respective parish shall, before he enters upon his office, make oath before some justice of the peace in the parish, where he lives, or some neighbouring parish, that he will honestly, truly, and indifferently, do, perform, and execute his duty in all things required by this act without favour or affection, malice, or ill will to any person or persons whatsoever; and on failure so to do shall forfeit the sum of twenty shillings, to be raised and levied, as the fines and penalties upon labourers are by this act to be raised and levied; and the justice of the peace, before whom such oath shall be taken, shall give a certificate thereof to the person taking the same without fee or reward: and, if any parish or parishes shall be so large, that one constable shall not be sufficient to do the whole office of a constable within the said parish or parishes, it shall be lawful to make and appoint two or more constables for such parish or parishes in such manner, as such one constable was formerly appointed for the same; which said new constable or constables shall have such and the same power and authority, as any other constable hath, or by the laws of this realm ought to have.

XIV. And to prevent the misapplication of publick money to be raised for the repairing or amending of the highways, causeways,

causeways, cashes, toghers, or roads, and for the more speedy and effectual raising and levying the same, be it enacted by the authority aforesaid, That the treasurer of each respective county shall and may at every assizes demand from the clerk of the crown a copy or copies of all presentments made for the amending or repairing roads at that assizes; which said copy or copies so demanded the said clerk of the crown shall and is hereby required forthwith to make out, and give to the said treasurer, signed by him, and certified to be a true copy or copies of such presentment or presentments, without fee or reward; and if he shall fail or neglect to make out and give such copy or copies so signed and certified as aforesaid to such treasurer, within four days after the same shall be so demanded as aforesaid, he shall forfeit the sum of five pounds; and on refusal to pay the same, he shall by the next going judge or judges of assize for the same county, upon complaint and oath made of such neglect or failure by the said treasurer, be committed to the county goal, there to remain without bail or mainprize till he pays the same.

A. D. 1727. Chap. 13.

Clerk of crown at assizes shall without fee give the treasurer on demand copies of presentments signed and certified: penalty, on neglect 4 days after demand, 5 l.

and on oath of non-payment shall be committed.

XV. And be it enacted by the authority aforesaid, That the treasurer of every county, having such copies of the presentments signed and certified as aforesaid, may and shall thereupon make and issue his orders for levying and collecting the several sums of money so presented, which shall be thereupon levied and collected in the same manner, as money so presented hath usually been done, and shall be paid to such treasurer by the person and persons so levying and collecting the same; and the said respective treasurers are hereby required not to pay the same to any overseer or overseers, until the work, for which such presentment was made, be compleated and finished, and oath thereof made by such overseer or overseers before the judge or judges of assize for the time being: but if it shall happen that part only of the said work shall be done, and the whole is not likely to be finished before the following assizes, in such case it shall and may be lawful to and for the said treasurers to pay to such overseer or overseers so much of the said money, as the work so done shall amount unto, upon oath made thereof by such overseer or overseers, and order made thereupon by two justices of the peace, before whom such oath shall be made as aforesaid; and in such case such affidavit and order, and the receipt of such overseer or overseers endorsed thereon, shall be to the treasurer a sufficient warrant and voucher for such payment.

Treasurer then shall issue orders to levy the money:

not to pay to overseers till work done and oath thereof at assizes:

if part done may pay so much, on oath thereof, and order by two justices.

XVI. And be it enacted by the authority aforesaid, That from and after the eighth day of May next ensuing, no money shall be raised on any county or barony upon any presentment to be made at any general quarter-sessions to be held for any county

No presentment at sessions but for houses of correction, except for Dublin and the county. 3 G. 2. 5. explained.

A. D. county (except for the county of Dublin, and the county of the city of Dublin) but for the use of the houses of correction and the keepers thereof.



Two justices may forthwith repair roads by accident greatly out of repair and dangerous,

and levy 40 s. as presentments.

Where plowlands not ascertained, as by 9 Anne 9. grand-juries shall ascertain it:

33 G. 2. 8. 100 acrs, till ascertained.

If not done in 3 years, the county shall be fined 100 l. every summer assizes till ascertained,

said fines to be estreated and paid to treasurers for the highways.

XVII. And be it enacted by the authority aforesaid, That where it shall happen that any road by any sudden or other accident is become so greatly out of repair, that passengers cannot pass the same without imminent danger, it shall and may be lawful to and for two or more justices of the peace living near the same upon view thereof, or other sufficient proof by two substantial credible persons, forthwith to cause the same to be amended, and by their warrant under their hands and seals, to levy and raise any sum, not exceeding the sum of forty shillings, for the doing thereof, in such manner as money is usually levied by presentment and order of the judges of assize for amending the highways; any thing herein or in any other law to the contrary notwithstanding.

XVIII. And forasmuch as in some counties in this kingdom it has not been ascertained, how the word plow-land is to be construed and taken, and the time for doing thereof, appointed by the act made in the ninth year of the reign of the late Queen Anne, is expired, so that the grand juries of such counties cannot ascertain the same: be it enacted by the authority aforesaid, That in every county, where the same has not been ascertained, the grand juries of such counties shall and are hereby required and empowered to ascertain the same, and execute the same powers as for that purpose are mentioned in the said former act; and in case the said plow-lands shall not be ascertained by presentment of the grand juries, to be confirmed by the judge or judges of assize in the manner directed by the said act, in the said respective counties within the said term of three years, to be computed from the first day of May one thousand seven hundred and twenty eight, then and in such case the judges at the next summer assize after the said three years, shall and are hereby required to impose and lay a fine of one hundred pounds on each and every county, which shall neglect to ascertain the said plow-lands as aforesaid; and the judges at every succeeding summer assizes shall lay the like fine of one hundred pounds on each and every of the said counties so neglecting as aforesaid, until the said plow-lands shall be ascertained as aforesaid; which fine and fines shall from time to time be duly estreated into his Majesty's court of Exchequer, and levied by the usual process of the said court; the said several sums to be paid to the treasurers of the respective counties, who shall apply the same towards repairing and amending the highways, causeways, castles, toghers, and roads in the said counties respectively.

XIX. And



XIX. And whereas the highways and roads are in many places too narrow, be it enacted by the authority aforesaid, That all highways or roads, hereafter to be set out, shall be at least thirty foot broad in the clear, exclusive of the ditches; and that all roads already inclosed, which are not of the breadth of twenty one feet in the clear, shall and may upon the presentment of the grand jury, and order of the judges of assize thereon, be enlarged to the breadth aforesaid, and the inclosure or inclosures, which hinder the same, be thrown down and abated by the sheriff of the county as a nuisance or nuisances: provided it appear to such grand jury, by the oaths of two substantial and credible persons at the least, that the said roads are not of the breadth of twenty one feet in the clear as aforesaid: and provided also that the person or persons, whose inclosure or inclosures is or are to be thrown down and abated as aforesaid, have due notice of such presentment, and a copy thereof, within six weeks after such presentment made, and that such presentment be not confirmed until the ensuing assizes after such notice given as aforesaid.

XX. And be it enacted by the authority aforesaid, That if at any time or times hereafter any person or persons shall change or alter, or cause to be changed or altered, any road, that now is, or hereafter shall be, a publick road or highway, not being first authorized so to do by due course of law, such person and persons shall upon complaint and due proof thereof made before the judge or judges of assize for the county, where such road or highway so changed or altered lay, before it was so changed or altered, forfeit the sum of five pounds, to be raised by distress and sale of the offenders goods, by virtue of a warrant under the hand and seal of the judge or judges of assize, who shall hear the said complaint, returning the overplus, if any, to the owner of such goods: provided always, that such person or persons shall have notice in writing of such complaint, so intended to be made, at least six days before the same shall be made; such notice to be personally given or left at his or their dwelling-house or houses in manner herein before mentioned; which fine or forfeiture, and all other fines, penalties, and forfeitures mentioned in this act, except the before mentioned fines of one hundred pounds to be laid on the several counties herein before mentioned, shall not be estreated into his Majesty's court of Exchequer, but, when levied, shall be paid to the treasurer of the proper county, to be applied for repairing and amending the highways, causeways, cashes, toghers, and the roads in each respective county.

XXI. And be it enacted by the authority aforesaid, That at the end of every assizes the clerk of the crown shall make an estreat

A. D. 1727.  
Chap. 13.  
Roads hereafter set out, 30 feet broad in the clear:

Roads already inclosed, and not 21 feet in the clear, shall on presentment and order at assizes be enlarged to breadth aforesaid, and inclosures abated by sheriff as nuisances:

Owner having due notice of the presentment, and a copy in six weeks, and presentment not confirmed till ensuing assizes.

Persons altering publick road, without authority, shall on proof at assizes forfeit 5*l*. by distress, on the judge's warrant.

Six days notice of the complaint shall be given in writing.

Penalties in this act (except said fines of 100*l*.) shall not be estreated into Exchequer but paid to treasurer for the highways.

Clerk of crown at end of assizes shall

A. D. 1727. **estreat of all fines, forfeitures, and penalties, laid, imposed, or incurred, for or by reason of any offence or offences mentioned in this act, and keep the same among the records of the said county, and cause a copy thereof fairly written, to be fixed on the doors of the court-house of the said county.**

*make estreat of fines, to be kept among the records, and a copy fixed on court-house doors.*

*All former laws as to highways (not expired or hereby altered) stand in force.*

*Extended to counties of cities and towns.*

*Publicly read at assizes and sessions.*

**XXII. And be it enacted and declared by the authority aforesaid, That all former laws already made for the amending or repairing highways, causeways, catshes, toghers, or roads, or any or either of them, and not already expired, and every clause therein, are, and shall be, and stand in full force, except such part or parts thereof as is or are amended, altered, or changed by this act.**

**XXIII. Provided, That this and all former laws made for the amending or repairing the highways, causeways, catshes, toghers, or roads, and each of them, shall extend, and be construed and taken to extend, to counties of cities, and counties of towns, as well as to the other counties of this kingdom.**

**XXIV. And be it enacted by the authority aforesaid, That this act shall be publicly read in open court before the judges of assize at the summer and Lent assizes, and at the four quarter-sessions to be held in and for every county next ensuing the end of this present session of Parliament.**

**XXV. And whereas the navigation of several rivers, loughs, and lakes in the county of Gallway, and county of the town of Gallway, is much incommoded by stones, stumps of trees, and other rubbish lying in such rivers, loughs, and lakes, which might be removed by the six days labour of the adjacent parishes, which parishes lye remote from the high roads, or little or no part of the six days labour is made use of or employed in repairing any high road, and neither the parishioners of the said parishes, or the grand jury of the said county, have any power to apply the six days labour to the removal of such stones, stumps of trees, or rubbish : be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the grand jury of the said county of Gallway, and county of the town of Gallway, in which the said parishes respectively lye, and in which parishes there are not any high roads, or that the parishioners of such parishes do not apply the six days labour to the highways in manner herein before directed, to order, direct, and apply the six days labour of the said parishes to the amending and repairing the banks of the said rivers, and to the taking, removing, and carrying away such stones, stumps, and rubbish, as shall be found in such rivers, loughs, and lakes, which annoy or obstruct the navigation therein, and also to appoint a director to supervise and instruct the workmen and labourers in the said work ;**

*Grand juries in county of Galway, where parishes remote from highways, or the 6 days labour not applied, may apply it to repairing banks, and removing rubbish obstructing the navigation.*

*and appoint a director,*

and

and that the performance thereof shall be enforced in such manner, as the said grand jury can or may apply the six days labour of those or any other parishes to the repairing or amending the highways, and as the doing thereof may be enforced by virtue of this or any other act of Parliament.

A. D.

1727.

Chap. 13.

XXVI. Provided, That it shall and may be lawful to and for the said grand jury of the said county of Gallway or county of the town of Gallway respectively to order and appoint every person within the said county or county of a town, who by this or any other law is obliged to send two cars and two horses and two men, or three cars and two men, or three horses and two men, to send four men or labourers to work at the said rivers, loughs, or lakes, instead of the said cars, horses, and men; and so in proportion for a less number of cars, or horses and men.

and order 4 labourers to be sent instead of cars and horses.

XXVII. And whereas the common way of drawing mill-stones from one place to another in some counties is found to be very destructive to causeways and bridges, and often dangerous to those who conduct them, and to those that meet them when on motion in narrow roads: be it enacted by the authority aforesaid, That from and after the first day of May, which will be in the year of our Lord one thousand seven hundred and twenty nine, whosoever shall have occasion to draw any mill-stone through any publick road, shall be obliged to support and keep the same from touching the ground: and if any person shall after the said first day of May one thousand seven hundred and twenty nine presume to draw any such mill-stone through any publick road in any other manner, it shall and may be lawful for any person to stop the same upon such road, and to drive the horses, that draw the same, unto the next pound, and there to keep them until such time as the owners or conveyors of such mill-stone shall provide proper carriage for carrying away the same, in such manner as is before mentioned, or pay unto one of his Majesty's justices of the peace within the county, where such mill-stone shall happen to be stopped, the sum of five shillings towards keeping the publick roads in good repair.

Mill-stones drawn on roads must not touch the ground, or the horses may be sent to pound till proper carriage provided, or 5 s. paid to a justice for the roads.

A. D.

1727.

C H A P. XIV.

*An Act for explaining and amending an act, intituled, An act for reviving and amending an act, intituled, An act for recovery of small debts in a summary way before the judges of assize.*

2 G. 1. 11.  
8 G. 1. 6.  
31 G. 2. 16.  
extended to  
Dublin.

Recital of 2  
G. 1. 11. Sec.  
1.

Beneficial to  
extend the  
same.

The judges  
may determine  
any sum not a-  
bove 20 l. in  
Debt on bond,  
bill, or special-  
ty for money  
only, or Case  
on promissary  
note or inland  
bill, and  
decree, &c.  
as by said act.

WHEREAS by an act passed in the second year of the reign of his late Majesty King George the first of glorious memory, intituled, *An act for reviving and amending an act, intituled An act for recovery of small debts in a summary way before the judges of assize*, it is enacted, “ That the judges of assize in their respective circuits should and might hear and determine in a summary way by an English bill, or paper petition in English, all manner of disputes or differences between party and party for any sum, not exceeding the sum of ten pounds, in all actions of debt, actions of *assumpsit*, and *infirmul computasset*, and the sum of five pounds in all actions of trover and conversion, *quantum meruit*, actions of trespass, or detinue for goods or chattels taken or detained :” and whereas the said act has been found by experience to be highly beneficial to the subject, and would be still more advantageous, if extended to a larger sum : therefore be it enacted by the King’s most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said judges or justices of assize, or any of them, in their respective circuits, and to and for his Majesty’s judges or council learned in the law, who with the justices of the peace of the county of Dublin shall hold the general quarter-sessions of the peace for the said county at the said sessions, and they are hereby impowered to hear and determine on such English bill, or paper petition in English as aforesaid, any dispute or difference betwixt party and party for any sum not exceeding the sum of twenty pounds in all actions of debt on any bond, bill, or specialty, for payment of money only, or actions on the case on any promissary note, or inland bill of exchange, and to make such decrees, and to issue such process and execution in such and the same manner, and under such fees, regulations, and directions, and with like benefit of appeal, and remedy against witnesses and against sheriffs for neglect of their duty, as in and by the said recited act is limited, directed, and appointed, in relation to the actions therein mentioned.

II. Provided always, and be it enacted by the authority aforesaid, That when any person or persons shall in manner aforesaid demand

demand or sue for any sum exceeding ten pounds, the defendant, A. D. or in his absence, if he is not then out of the kingdom, his wife, 1727. son, daughter, or any other relation or servant of the age of sixteen Chap. 14. years, and dwelling in his house, shall be served with process by shewing the original, and leaving a copy thereof with him, her, or them, twelve days inclusive before the first day of the assizes or sessions, at which such process is returnable.

If above 10 l. process must be served 12 days inclusive before first day of assizes.

III. And be it further enacted by the authority aforesaid; That no decree shall be made by virtue of any warrant of attorney to confess judgment on any bond entered into for the payment of a sum determinable by this or the said former act, unless process be served on the person so bound, as in other cases is directed; and that in every such case the defendant shall be at liberty to make and have the benefit of every defence he could have had either in law or equity.

No decree on warrant of attorney to confess judgment on bond, unless process served. Benefit of every defence in law or equity.

IV. And whereas it is by the said former act enacted, " That " any person, who should conceive himself aggrieved by any decree, and should not enter into a recognizance before the judge " or judges of assize, as by the said act is directed in case of an " appeal, might deposit the money decreed against him in the " hands of the sheriff, and enter into a bond of five pounds, with " condition to perform and abide the decree of the next coming " judge or judges of assize : " and whereas it has been often found, that the sheriff, with whom the money has been deposited, though the said decree has been affirmed, neglected to pay over such money to the party so recovering, which has often put the party to a fresh suit and farther expence : and whereas the sheriffs have frequently received money upon executions founded on such decrees or dismissions, and have neglected to pay over the same to the party intitled thereto : for the prevention therefore of such mischief for the future, be it enacted by the authority aforesaid, That any sheriff, who hereafter shall neglect to pay over the sum so deposited with him by virtue of this or the said former act, or shall refuse or neglect to pay over any sum levied by virtue of any execution of such decree or dismissal to the person or persons intitled thereto, or to such person or persons as by him or them shall be lawfully authorized to receive the same upon demand made for that purpose, such sheriff so offending shall forfeit to the party aggrieved double the sum so deposited with, or received by, such sheriff, together with legal interest for the same from the time of such demand, to be recovered by civil bill before the judges of assize, or before the justices of the quarter-sessions of the county of Dublin, who are hereby empowered to hear and determine the same, in like manner as other sums are made recoverable by this present or the said recited act.

Recital of 2 G. I. 11. Sec. 6.

Sheriff not paying money deposited on appeal, or levied on execution, forfeits double to the party, with interest from demand,

by civil bill.

V. And

A. D. 1717. V. And be it further enacted by the authority aforesaid, That no decree shall be renewed more than twice without serving process thereon, unless the party obtaining such decree shall by affidavit make it appear to the judge or judges, empowered to renew the same, that he hath used his utmost endeavours to have the said decree executed.

No decree shall be renewed above twice, without process, unless affidavit of utmost endeavours to execute it.

## C H A P. XV.

*An act for rendering more effectual an act, intituled, An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices: and for the encouragement of protestant schools within this kingdom of Ireland.*

31 G. 2. 11. **W**HEREAS by an act of Parliament made in the fifteenth year of our late sovereign King Charles the first, intituled, Recital of  
19 C. 1. 11. *An act for endowing churches with glebe lands*, it is enacted,  
“ That any person without licence of *mortmain* may endow  
“ churches having no glebe lands, or not above ten acres of glebe,  
“ with new glebe, so as the glebe of any such church so endowed  
“ do not exceed forty acres at the most :” and whereas very few churches within this kingdom having, since the time of making the said act, and in pursuance of the good design thereof, been so  
& 8 G. 1. 12. Sec. 1. endowed, an act was therefore made in the eighth year of his late Majesty King George the first, intituled, *An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices: and for the encouragement of protestant schools within this kingdom of Ireland*: whereby, amongst other things, it is enacted,  
“ That for the more effectual promoting of the good design and  
“ intent of the said act, it shall and may be lawful to and for any  
“ person by the above mentioned act qualified to endow, and so  
“ endowing, a church as aforesaid, to reserve unto himself, and  
“ his heirs for ever, such yearly rent out of the lands to be by  
“ him granted, and under such clauses and covenants as shall be  
“ agreed upon between such person so granting the same and the  
“ incumbent of the said church, by and with the consent of the  
“ archbishop or bishop of the diocese, and archbishop of the province, in which such church shall be situate; such consent being  
“ signified in writing under his and their archiepiscopal and  
“ episcopal seals respectively :” and whereas no person can endow any church with lands, whereof he is seized in fee-tail, without first barring such entail in due form of law, which in many cases may be expensive and inconvenient: be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual

Spiritual and temporal and commons in Parliament assembled, A. D. 1717.  
and by the authority of the same, That it shall and may be lawful to and for any person and persons, being seized of an estate tail in possession in any lands, by his or their deed or deeds under his or their hands and seals to grant such lands as a glebe for the incumbent or minister of any parish having actual cure of souls, in such manner, and under such restrictions, as he or they might have done by virtue of the said recited acts, or either of them, if he or they were seized of an estate in fee-simple in such lands, and all grants so to be made shall be good and effectual in law against all persons claiming under such entail, or by virtue of any remainder or reversion expectant thereupon.

*Tenants in tail in possession may grant glebes as they might by said acts if seized in fee;  
3 G. 2. c. 12. extended to tenant for life, &c.*

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person and persons, who by virtue of this act or of the said recited acts, or either of them, are enabled to make any grant of lands as a glebe for the incumbent or minister of any parish having actual cure of souls, to grant lands to any person or persons, and their heirs, in trust for any curate or other ecclesiastical person, having the actual cure of souls in any appropriate or inappropriate benefice, and their successors, in such manner, and under such restrictions, as by this act or by the said recited acts, or either of them, are provided concerning grants to be made of land, as a glebe for any such incumbent or minister as aforesaid.

*which shall be good against claimants under entail, remainder, &c.  
Persons who may grant glebes to incumbents may in like manner grant lands in trust for curates and successors.*

III. And be it further enacted by the authority aforesaid, That if a year's rent of the said lands granted or hereafter to be granted in pursuance of this act, or of the said recited acts, or either of them, shall be behind and unpaid by the space of twenty one days, the person or persons, to whom the same shall be due and payable, may apply to the archbishop or bishop of the diocese, who shall summon the party before him; and if such rector, vicar, curate, or other ecclesiastical person, who shall be so in arrear, and so summoned as aforesaid, shall not make it appear by the oath of one or more witness or witnesses, that such rent hath been paid (which oath the said archbishop or bishop is hereby impowered to administer) the archbishop or bishop shall forthwith sequester the profits of such benefice or curacy, where such lands are so granted for a glebe as aforesaid, until the said arrear of rent, and all costs and charges attending such sequestration, to be ascertained by the archbishop or bishop of the diocese, shall be fully paid and discharged; and if such arrear of rent, or any part thereof, and the costs and charges attending such sequestration, shall remain unpaid notwithstanding such sequestration at the death, cession, or removal of such rector, vicar, curate, or other ecclesiastical person,

*If a year's rent of lands so granted is in arrear 21 days, the bishop on application to him shall summon the person, and if he proves not payment, sequester the benefice or curacy, till payment thereof and costs ascertained by the bishop:*

*if not paid at his death, &c. his successor shall pay;*

A. D. 1727. Chap. 15. the same shall be paid by the succeeding rector, vicar, curate, or other ecclesiastical person; and if he shall neglect or refuse to pay the same, and every part thereof, for the space of one calendar month next after his admission into such benefice, the archbishop or bishop of the diocese upon complaint and proof thereof on oath, which the said archbishop or bishop is hereby impowered to administer, shall and may grant a new sequestration, till the same and every part thereof be fully paid and discharged: and such succeeding rector, vicar, curate, or other ecclesiastical person, so paying such arrears of rent, costs, and charges, shall and may recover the same from his predecessor, his executors or administrators, by action of debt, in any of his Majesty's courts of record in Dublin, in which no essoin, wager of law, protection, or more than one imparlance shall be allowed: and to the intent that such successor may not be charged with more than one whole year's rent, reserved by such grant, for such arrears, such rector, vicar, curate, or other ecclesiastical person, shall annually at the ordinary visitation, to be held for such diocese, exhibit, or cause to be exhibited, unto the archbishop or bishop of the said diocese, or to his official holding the said visitation, a sufficient acquittance in full for all rents and arrears of rent due out of the premises the last rent-day before the said visitation, and prove the perfection of such acquittance by the oath of one witness, which oath the said archbishop, bishop, or official, is hereby impowered to administer; and in case that such acquittance shall not be so exhibited and proved, then such archbishop, bishop, or official, is hereby impowered and required to sequester the profits of such benefice, where such lands are so granted for a glebe as aforesaid, and the same to keep so sequestered, until out of the issues and profits thereof he shall be enabled to pay all rents and arrears of rent due out of the premises at the rent-day aforesaid, together with the costs and charges of such sequestration; which said rent and arrears of rent he is required forthwith to pay and discharge.

or a new sequestration. Successor may recover from his predecessor's executors, &c. by action of debt,

and that successor may not be charged with more than 1 year, such ecclesiastical person shall annually at visitation exhibit and prove acquittance in full,

or the benefice sequestered.

On neglect to improve, as covenanted in such grant, bishop may sequester so much, and cause it to be done.

IV. And be it further enacted by the authority aforesaid, That if such rector, vicar, curate, or other ecclesiastical person, to whom or for whose use, such grant shall be made as aforesaid, or his or their successor or successors, shall neglect or refuse to build or make such improvements, as shall be covenanted in such deed of grant, within the time limited therein for the doing thereof, the archbishop or bishop of the diocese on information thereof by complaint or otherwise shall and may sequester so much of the profits of such benefice, and for so long time as he shall judge necessary for the making and compleating such building and improvements, and therewith shall cause the same to be so made and

com-



completed; and if any rector, vicar, curate, or other ecclesiastical person, to whom, or for whose use, such grant shall be made, his or their successor or successors, shall have no other benefice, than that to which such lands, so to be granted for a glebe as aforesaid, do belong; such rector, vicar, curate, or other ecclesiastical person, his or their successor or successors, shall not demise or set the said lands so granted, or any part thereof, to any person or persons whatsoever, but shall himself hold and occupy the said lands and every part thereof; and if such rector, vicar, curate, or other ecclesiastical person, shall happen to have another benefice, then and in such case the curate officiating in his absence shall enjoy the full benefit of such lands so granted for a glebe, and every part thereof, with the improvements thereon, under the rent reserved, and shall hold and occupy the same himself during the absence of such rector, vicar, curate, or other ecclesiastical person, over and above his stipend or allowance appointed, or to be appointed, for such curate by the archbishop or bishop of the diocesis.

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If such person has no other benefice, he shall not demise the lands granted for glebe, but occupy himself: if he has another, the curate in his absence shall enjoy said glebe, and occupy himself, besides his stipend.

V. And be it further enacted by the authority aforesaid, That every rector, vicar, curate, or other ecclesiastical person whatsoever, who shall hereafter be admitted into any ecclesiastical benefice of the yearly value of one hundred and fifty pounds or upwards, having no house fit for the residence of the incumbent thereof, and being endowed with glebe land lying near his parish-church, and being fit and convenient for building, shall within a time certain to be limited and appointed by the archbishop or bishop of the diocesis, after he has been two years in possession of such benefice, build and improve upon such glebe land by erecting one dwelling-house of stone and lime, or brick and lime, and timbered in the roof and in the floors of such dwelling-house with oak or fir-timber (bog oak excepted) and covered with slates, shingles, or tiles; and in case any such rector or vicar shall neglect or refuse to make such building and improvement within the time so limited as aforesaid, it shall and may be lawful to and for the bishop of the diocesis, where any such benefice is situate, with the consent of the archbishop of the province first had under his archiepiscopal seal, or, if such benefice be within the diocesis of an archbishop, then it shall and may be lawful to and for such archbishop, with the consent of the chief governor or governors of this kingdom for the time being first had under his or their respective hands and seals, to sequester a fourth part of the profits of such benefice, till a sum not exceeding a year and a half's income of such benefice be received; which the archbishop or bishop shall cause to be laid out in making such building and improvement upon such glebe land as aforesaid.

If benefice of 150 l. yearly, and no house fit for residence, endowed with glebe near the church and fit for building, he shall after 2 years possession in a limited time build a dwelling-house of stone, &c. timbered with oak or fir, and slated, &c. 31 G 2. 11.

or the bishop with consent of archbishop, or archbishop with consent of chief governors, may sequester one fourth till a year and a half received, and lay it out thereon.

VI. And

A. D. 1727. VI. And be it further enacted by the authority aforesaid, That  
 Chap. 15. it shall and may be lawful to and for every archbishop, bishop,  
 dean, dean and chapter, archdeacon, dignitary or prebendary, hav-  
 ing land to them as such respectively belonging near any church,  
 and convenient for a glebe for the said church; not already endowed  
 with ten acres of glebe; (that is to say) every archbishop or bishop,  
 with the consent of his dean and chapter respectively signified  
 by certificate in writing under their common seal, and, where  
 there is no dean and chapter, with the consent of the arch-  
 deacon and six beneficed clergymen of his diocese signified in  
 writing under their hands and seals; and every dean, dean and  
 chapter, archdeacon, dignitary or prebendary, by and with the  
 consent of the archbishop or bishop of the diocese, signified by  
 certificate in writing under their archiepiscopal or episcopal seal  
 respectively, to grant any quantity thereof, not exceeding twenty  
 acres plantation measure, by any deed or deeds under his or their  
 hands and seals, to be enrolled in the high court of Chancery  
 of this kingdom, to any person or persons, and their heirs, in  
 trust for any such resident curate or curates officiating in any ap-  
 propriate or impropriate benefice, as is, are, or shall be nominated,  
 appointed, licensed, or admitted for the cure of souls in any such  
 parish or parishes in this kingdom, and their successors, at the  
 moiety of the present yearly rent, or for any greater sum; which  
 rent shall be paid by such resident curate having cure of souls, and  
 his successors, to such archbishop, bishop, dean, dean and chap-  
 ter, archdeacon, dignitary or prebendary, and his and their re-  
 spective successors for ever, by four quarterly equal portions; and,  
 in case of non-payment, that it shall and may be lawful to and  
 for the said archbishop, bishop, dean, dean and chapter, arch-  
 deacon, dignitary or prebendary, his or their successors, to distrain  
 and sue for the same, and all arrears thereof.

Bishops,  
 dignitaries, &c.  
 having land as  
 such, near and  
 convenient for  
 glebe for a  
 church not  
 endowed with  
 10 acres, may  
 with consent  
 grant 20 acres  
 by deed enrol-  
 led in Chan-  
 cery in trust  
 for resident  
 curate,

at a moiety  
 of the present  
 rent or above,  
 payable quar-  
 terly.

Recital of  
 2 Anne 10.  
 Sec. 4.

VII. And whereas by an act passed in the second year of the  
 reign of her late Majesty Queen Anne, (intituled, *An act for the  
 exchange of glebes belonging to churches in this kingdom*) it is  
 amongst other things enacted, " That it shall and may be lawful  
 " to and for every archbishop, bishop, dean, dignitary or pre-  
 " bendary, having land belonging to their bishoprick, deanery,  
 " dignity, or prebend, near any church, and convenient for a  
 " glebe for the said church, not already endowed with twenty  
 " acres of glebe, by and with the advice and consent of his re-  
 " spective dean and chapter, to grant any quantity thereof, not  
 " exceeding twenty acres plantation measure, to the rector, vicar,  
 " or other ecclesiastical person having the actual cure of souls, and  
 " their successors, at the moiety of the present yearly rent, or  
 " for

“ for any greater sum ; which rent shall be paid by such rectors A. D.  
 “ or vicars, or other ecclesiastical persons having the actual cure 1727.  
 “ of souls, to the said bishop, dean, dignitary, or prebendary, Chap. 15:  
 “ and their respective successors for ever, by four equal portions :  
 “ (that is to say) at the feast of the annuntiation of the blessed  
 “ Virgin Mary, the feast of Saint John the Baptist, the feast of  
 “ Saint Michael the Archangel, and of the nativity of our blessed  
 “ Lord and Saviour ; and, in case of non-payment, that it shall be  
 “ lawful for the said bishop, dean, dignitary, or prebendary, his  
 “ or their successors, to distrain or sue for the same, and all ar-  
 “ rears thereof ; and that the said twenty acres or lesser quantity  
 “ of land, so granted as aforesaid, shall be reputed and taken as  
 “ the glebe of the church ; to whose incumbent and successors it is  
 “ granted ;” which act was to be in force for one and twenty years,  
 and by an act made in the tenth year of the reign of his late  
 Majesty King George the first, intituled, *An act for continuing*  
*several temporary statutes made in this kingdom, and now near expir-*  
*ing*, is further continued to the twenty first day of September,  
 which shall be in the year of our Lord one thousand seven hundred  
 and thirty one, and from thence to the end of the then next session  
 of Parliament : and whereas several deans and chapters, as bodies  
 politick, are seized of several lands, which may be convenient for  
 glebe : be it further enacted by the authority aforesaid, That it  
 shall and may be lawful to and for all deans and chapters, having  
 lands belonging to them as a body politick near any church, and  
 convenient for a glebe for the said church, not already endowed  
 with ten acres of glebe, by and with the consent of the arch-  
 bishop or bishop of the diocese, to which such dean and chapter  
 belong, at any time during the continuance of the said act made  
 in the second year of the reign of her late Majesty Queen Anne,  
 and continued as aforesaid, to grant any quantity thereof, not ex-  
 ceeding twenty acres plantation measure, to the rector or vicar, and  
 their successors, or to any person or persons, and his and their  
 heirs, in trust for any such curate, or other ecclesiastical person  
 having the actual cure of souls, and their successors, at such rent,  
 so payable, and with like power to recover the same, as in and  
 by the said act is provided for bishops, deans, dignitaries, and  
 prebendaries ; and that the said twenty acres or lesser quantity of  
 land, so granted by such dean and chapter as aforesaid, shall be  
 reputed and taken as the glebe of the incumbent of the said pa-  
 rish church, and of his successors, to whom it is granted.

*continued by*  
 10 G. I. 4.

Deans and  
 chapters hav-  
 ing lands as a  
 body politick,  
 near and con-  
 venient for  
 glebe for a  
 church not  
 endowed with  
 10 acres, may  
 with consent  
 of the bishop  
 (during conti-  
 nuance of  
 2 Anne 10.)  
 grant 20 acres  
 or less in trust  
 for the person  
 having actual  
 cure,  
 31 G. 2. 11.  
 at such rent,  
 &c. as by said  
 act ;  
 which shall  
 be the glebe.

VIII. And be it further enacted by the authority aforesaid,  
 That every rector, vicar, curate, or other ecclesiastical person,  
 who shall build or improve on any land granted for a glebe in

A. D. 1727. Chap. 15. pursuance of this act, for which a certificate shall be obtained, as is appointed by an act passed in the twelfth year of the reign of his late Majesty King George, intituled, *An act to amend and explain an act*, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*; such rector, vicar, curate, or other ecclesiastical person, his executors or administrators, shall have and receive from his next and immediate successor three fourth parts of the sum or sums so certified; and such successor, having paid the three fourth parts of the sum or sums so certified as aforesaid, or his executors or administrators respectively, shall and may receive two thirds thereof; that is, one moiety of the sum first certified from his next successor; which successor, having paid the said moiety of the said first sum, or his executors or administrators, shall and may receive from his next successor one half thereof; that is, one fourth part of the sum or sums in the first certificate mentioned; all which sums so to be paid and received shall and may be paid and recovered within the times, and in the same manner, as the sums to be paid and recovered by an act passed in the tenth year of King William the third of glorious memory, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*, are directed and appointed to be paid and recovered; any thing in the said mentioned act contained to the contrary notwithstanding.

On certificate of building and improving on glebes, as by 12 G. 1. 10. three fourths shall be received from successor, who shall receive two thirds from the next, who shall from his successor 1 half:

paid and recovered as by 10 Will. 3. 6.

Want of houses on lands granted by K. C. 1. for masters of free schools. 5 G. 2. 4.

Archbishop of Armagh may by certificate appoint part of the lands for a master, which shall be deemed the demesne.

Improvements thereon under same limitations as by ecclesiastical persons, by

IX. And whereas few buildings or houses convenient for the residence of school-masters have been erected on the lands, granted by King Charles the first to James then lord archbishop of Armagh, and his successors for ever, in trust for the masters of several free schools for the time being, and all or most of those, which have been erected, are become ruinous and decayed, and are likely to continue so, for want of due encouragement for the masters of the said several free schools to improve, build, and repair such houses and buildings: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the archbishop of Armagh for the time being to appoint by certificate under his hand and archiepiscopal seal what part of the lands belonging to any such free school is fit and convenient for the residence of the master and his successors; which from thenceforth shall be deemed and taken to be part of the demesne of such free school; and that all improvements, buildings, additions, and repairs, on any lands so certified, shall be to all intents and purposes, under the same appointments, restrictions, and limitations, as improvements, buildings, additions, and repairs, made by ecclesiastical persons on their glebes are under, by virtue of the said

said act made in the tenth year of the reign of King William the third of glorious memory, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*; and also by virtue of the said act made in the twelfth year of his late Majesty King George the first, intituled, *An act to amend and explain an act*, intituled, *An act to encourage building of houses, and making other improvements on church lands, and to prevent dilapidations*: and that such master and masters, and his and their successor and successors, and their respective executors and administrators, shall and are hereby impowered and intituled to receive from his and their respective immediate successor and successors, and his and their respective executors and administrators, such proportion and proportions of the sum and sums by him and them respectively expended in and paid for any improvements, buildings, additions, or repairs on the land so certified, and in such manner as ecclesiastical persons and their successors are by virtue of the aforementioned acts, or either of them, enabled and intituled to receive from their next immediate successors for improvements made by them on their glebes.

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Chap. 15.  
10 Will. 3. 6.  
and 12 G. 1. 10.

and successors shall pay the like proportion.

X. And because it happens, that the lands belonging to several of such free schools are at a great distance from the place, where the free school is erected and kept, and that several of such free schools are erected on so small a quantity of land, that there is no convenient residence for the school-masters: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the several school-masters of such free schools by and with the consent and approbation of the archbishop of Ardmagh for the time being, certified under his hand and archiepiscopal seal, to exchange with any archbishop, bishop, or other person, lands belonging to the free school, which lie inconvenient and at a distance from it, for such quantity of lands of equal value, worth, and purchase, lying near and convenient to the school, as the archbishop of Ardmagh for the time being shall judge fit and proper for a demesne for the master of such free school, in such manner and form as by the said act made in the second year of the reign of Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this kingdom*, is directed.

Masters with consent of archbishop may exchange lands inconvenient, and at a distance, for lands of equal value, as by archbishop thought fit for demesne, as by 2 Anne 10.

XI. Provided, That no rector, vicar, curate, or other ecclesiastical person or school-master, shall be obliged to pay his predecessor, or the executors or administrators of his predecessor, by virtue of any certificate or certificates for building and improving such glebe or demesne, granted in pursuance of this act, any more or greater sums than the clear value of one year and a half's income so limited as aforesaid.

Successors not obliged to pay more for improvements of predecessors than 1 year and a half's income.

XII. And

A. D. 1727. Chap. 15. XII. And whereas within cities and towns corporate several incumbents of parishes have their manse-houses inconveniently situated for the residence of the incumbents of such respective parishes, and have likewise other lots of ground belonging to them, which would be more convenient for that purpose: and whereas some such incumbents have belonging to them a greater quantity of ground, than is necessary for the sufficient accommodation of the respective incumbents; by means whereof large quantities of ground in many cities and towns corporate remain unimproved, to the great prejudice not only of such incumbents, but of the cities and towns corporate where such grounds do lie: for remedy whereof, be it further enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and twenty eight it shall and may be lawful to and for every rector, vicar, or other incumbent of any parish in any city or town corporate, with the consent of the patron of such parish, and ordinary of the diocese, to let or demise any house or ground to him belonging in any city or town corporate for any term of years not exceeding sixty one years, without taking any thing by way of fine, at the full improved rent, so as such lease be not made to commence in *futuro*, and so as in such lease the rent be reserved and made payable to such incumbent and his successors, and so as every such house or lot of ground so let be certified by the archbishop of the province, and the bishop of the diocese, under their archiepiscopal and episcopal seals, to be over and above what is sufficient for the convenient residence of the respective incumbent, and so as such certificate so given, and such lease so made, be entred in the registry of the diocese.

Incumbents  
in cities, &c.  
may demise  
for 61 years,  
without fine,  
at improved  
rent, not in  
*futuro*,

the rent re-  
served to them  
and successors:

on certificate  
of archbishop  
and bishop of  
being above  
what sufficient  
for residence,  
and register-  
ed.

Incumbent  
may without  
certificate re-  
new 40 years,  
not lessening  
the rent,

and register-  
ing it.

XIII. And be it further enacted by the authority aforesaid, That where any such lease shall be made and entred as aforesaid, it shall and may be lawful to and for every such incumbent for the time being to renew such lease for any term of years not exceeding forty years, so as the former rent be not lessened, without any new certificate from the archbishop or the bishop.

XIV. Provided always, That such renewed lease be entred in the registry of the diocese, where such house or ground shall lie,

An act for regulating the price and assize of bread, and the markets.

WHEREAS little or no observance hath in many places been made either of the due assize or reasonable price of bread, and covetous and evil-disposed persons, taking advantage of the same, have for their own gain and lucre deceived and oppressed his Majesty's subjects, and more especially the poorer sort of people: for remedy whereof for the future, and that a plain and constant rule and method may henceforward be duly observed and kept in the making and assizing the several sorts of bread made for sale, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of June one thousand seven hundred and twenty eight the lord mayor within the city of Dublin and the liberties thereof, and the mayor, sovereign, provost, or other chief magistrate for the time being, of any other city, town-corporate, or borough, and the seneschals within the manors or liberties of Saint Sepulchres, Thomas-court, and Donore, or two or more justices of the peace in such towns and places, where there shall be no such mayor, sovereign, provost, or chief magistrate, shall severally and respectively, and from time to time, as there shall be occasion, set, ascertain, and appoint, within their several and respective jurisdictions, the assize and weight of all sorts of bread to be sold or exposed to sale by any baker or other person whatsoever within the limits of their several jurisdictions, having respect to the price, which the grain, meal, or flour, whereof such bread shall be made, shall bear in the several publick markets in or about the city, town-corporate, borough, mannor, liberty, or place, where such assize shall be set, and making reasonable allowance to the bakers for their charges, pains, and livelihood; which said assize shall be set in *avoirdupois* and not *trois* weight.

II. And that the said assize may be the more easily ascertained and appointed, be it enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty eight no person or persons whatsoever shall make for sale, or sell, or expose to sale, any sort or sorts of bread, other than the several sorts of bread herein after mentioned: (that is to say) white, wheaten, and household, and such other sort and sorts of bread as shall be publickly licensed and allowed by the lord mayor within the said city of Dublin and liberties thereof, or by the said chief magistrates, justices of the peace, or seneschals within their several and respective jurisdictions; all which several sorts of bread shall be made in their several and respective degrees according to the goodness of the several sorts of grain, whereof the same ought to be made, and the assize and weight of the said white, wheaten, and household bread, made of wheat, shall be set and ascertained according to the table hereafter following.

III. And to the intent that the good design of this act may be effectually complied with, be it further enacted by the authority aforesaid, That every common baker, and every person, who shall make or bake for sale, or any ways expose to sale, any sort of bread whatsoever, shall from and after the first day of June one thousand seven hundred and twenty eight fairly imprint or mark, or cause to be fairly imprinted or marked, on every loaf so by him made or exposed to sale, the sort, price, and weight, of such loaf, or any other mark, as shall be appointed by the said lord mayor, or by the said chief magistrates, justices of the peace, and seneschals

51 H. 3. ff. 6.  
Eng. and stat. de  
pistoribus. Eng.  
8 Anne. 18.  
Eng.  
1 G. 1. 26.  
Eng.  
3 G. 2. 29.  
sec. 2. Eng.  
7 G. 2. 15.  
11 G. 2. 11.  
19 G. 2. 17.  
29 G. 2. 11.

Mayors, chief  
magistrates, or 2  
justices shall set  
the assize and  
weight of bread,  
respecting the  
price of the  
grain in the mar-  
ket, and reason-  
able allowance  
to bakers,

No sort of  
bread shall be  
sold except  
white, wheaten,  
and household,  
and such as pub-  
lickly licensed  
by mayor, &c.

the assize and  
weight shall be  
ascertained ac-  
cording to the  
table.

Bakers shall  
mark their  
bread,  
22 G. 2. 46.  
Sec. 21. Eng.

as directed by  
the magistrates,  
by order in writ-  
ing,

A. D.

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who may make  
rules for regu-  
lating the same.

Penalty 5 s.  
every ounce  
wanting,

1 G. 1. 26.

sect. 5. Eng.

2 s. and 6 d.

for less than an  
ounce,

7 G. 2. 15.

altered.

if not marked,  
5 s. each loaf,

on complaint

and being weigh-

ed before a ma-

gistrate in 24

hours after bak-

ed or exposed to

sale in Dublin

and liberties,

three days in

other places.

Penalty for o-

ther offences

40 s.

All which pe-

nalities on con-

viction before

magistrate in

summary way le-

vied by distress,

to informer

Convictions

certified to next

sessions :

seen without

fee.

Persons fined

40 s. may appeal

to sessions,

chals respectively, within the limits of their said several jurisdictions by order in writing under their respective hands ; and the said lord mayor within the city of Dublin and the liberties thereof, and the said other chief magistrates, justices of the peace, and seneschals aforesaid, within the bounds of their several jurisdictions shall have full power and authority from time to time by like order in writing to limit, direct, and appoint, how and in what manner each sort of bread shall be marked for knowing the baker, or maker, price, weight, and sort thereof, and to make and set down any other reasonable rules and orders for the better regulating the mystery of making bread, and the several sorts thereof, that shall be baked by the respective bakers, and the assize, price, and weight thereof, and all things concerning the same, as in their judgments they shall find necessary and convenient : and if any baker, or other person or persons baking or making bread for sale, or exposing bread to sale, shall bake, make, sell, or expose to sale, any bread, which shall be deficient in weight, according to the assize of bread to be set pursuant to the directions of this act, the amount of one ounce or more, or that shall not be marked according to the directions of this act, or such other rules and orders as shall be from time to time made as aforesaid, he, she, or they, so offending, being thereof lawfully convicted, shall forfeit the sum of five shillings for every ounce of bread so wanting ; and for any bread wanting any weight less than one ounce, the sum of two shillings and six pence ; and for not being marked as aforesaid the sum of five shillings for each loaf ; such bread being complained of and weighed before a magistrate or justice or justices of the peace, or the said seneschals within their respective jurisdictions, or before any person by him or them respectively appointed, within four and twenty hours after the same shall be baked, or exposed to sale, within the city of Dublin and liberties thereof, and the liberties of saint Sepulchres, Thomas-court, and Donore, and within three days after the same shall be baked or exposed to sale in any other city, town, or place within the kingdom of Ireland : and if any baker or bakers, or other person or persons baking or making bread for sale, or exposing bread to sale, shall break such regulations and orders, as shall from time to time be made by virtue of this act, or shall in any sort or way offend against this act in any of the matters or things before appointed by this act to be observed by the bakers or makers of bread for sale, or other persons exposing bread to sale, for which no penalty is before inflicted, he, she, or they, so offending, shall for every such offence forfeit any sum not exceeding the sum of forty shillings ; all which penalties and forfeitures shall be recovered upon conviction by the confession of the party, or by the oath of one or more credible witnesses or witnesses, before the said lord mayor, or before the said chief magistrate or magistrates, or one of them, or the said seneschals within their respective jurisdictions, or in such towns, where there are not any such magistrate or magistrates, before one or more justice or justices of the peace of the county, wherein the offence shall be committed, or the party offending shall be apprehended ; to be levied by way of distress upon the goods and chattles of every such offender by warrant from the said lord mayor or chief magistrate, justice or justices, seneschal or seneschals aforesaid, before whom such conviction shall be made, returning the overplus ; the said forfeitures to be given to the informer or informers.

IV. And be it further enacted by the authority aforesaid, That the convictions, made as aforesaid upon this act, shall be certified to the next general quarter-sessions of the peace for the county or place, where such convictions were made, to be there kept upon record by the respective clerks of the peace, to be seen without fee or reward.

V. Provided always, and be it further enacted by the authority aforesaid, That if any person so convicted, who shall be fined forty shillings or more, shall think him or herself aggrieved, he or she shall and may make his or her appeal in writing to the next quarter-sessions of the peace for the city, town, or county, where such conviction shall be made, where the same shall be heard in a summary-manner, and

finally



finally determined; and if the person so appealing shall not make good such his or her appeal, or prosecute it with effect, the said court of sessions shall award such costs, as they shall think reasonable, to the prosecutor or informer, and commit the offender to the common goal, until he or she shall make payment of the said costs, and also of the penalty adjudged on the conviction, to the informer.

VI. Provided also; That if any baker, or seller of bread shall put into any bread, by him sold or exposed to sale, any mixture of any other grain, or in a larger or other proportion than what shall be appointed by the assize settled in the place, where such bread shall be sold, or exposed to sale, every such person so offending shall for every such offence forfeit the sum of twenty shillings, to be had and recovered in the manner and form before mentioned: and if any mayor or other chief magistrate, justice of the peace, or seneschal aforesaid shall, on any information made to him or them of any offences committed against this act, wilfully and wittingly omit the performance of his duty thereupon in execution of this act, he shall forfeit the sum of twenty shillings; to be recovered by civil bill, which in the city of Dublin the justices of the peace at the quarter-sessions, to be held for the county of the said city, are hereby empowered to hear and determine.

VII. And that the good design of this statute may be more effectually accomplished, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord mayor and aldermen of the city of Dublin, or any one of them within the said city and liberties thereof, and also to and for the chief magistrate or magistrates, justices of the peace, or seneschals as aforesaid, or any one of them within the limits of their several jurisdictions, at all times hereafter in the day time to enter into any house, shop, stall, bake-house, ware-house, or out-house of or belonging to any baker or seller of bread, there to search for, view, weigh, or try, all or any the bread of such persons, or which shall be there found; and if any bread shall be there found wanting either in the goodness of the stuff, whereof the same shall be made, or be deficient in the due baking or working thereof, or shall be wanting in the due weight, or shall not be truly marked according to the directions of this act, or shall be of any other sort, than shall be allowed by virtue of this act, that then and in every such case such lord mayor and alderman, or aldermen, chief magistrate or magistrates, justice or justices of the peace, and seneschals as aforesaid, are hereby severally and respectively authorized and required to take and seize the said bread so found, and cause the same to be forthwith given and distributed to the poor of the parish, where such seizure shall be made, or to the prisoners in the goals, at their discretion: and if any baker, or seller of bread, or other person or persons, shall not permit or suffer such search or seizure to be made, or shall oppose, hinder, or resist the same, he, she, or they, so offending, shall for every such offence forfeit the sum of forty shillings to the informer or informers; to be had and recovered in the summary manner and form herein before mentioned for punishing bakers in not observing the weight of their bread.

VIII. And whereas great quantities of corn and meal are usually imported into the port of Dublin and other ports of this kingdom, and the same are privately bought up by the bakers and sellers of bread, and meal-men, from the merchants, factors, masters, owners, or other persons importing the same, who frequently give them great allowances, and private agreements are often made by the bakers and sellers of bread, and meal-men, with the countrymen and farmers, for enhancing the price of wheat, meal, and flour in the publick markets, whereby the number of barrels of corn weekly sold, as also the price and allowances given for the same, are concealed, by reason whereof the assize of bread cannot be justly and truly calculated, the magistrate having no power to compel the offenders to discover upon their oaths such frauds and abuses so prejudicial to the publick: to the end therefore that the number of the barrels of wheat, meal, or flour, weekly sold, may be truly known, and all private agreements entered into between any merchant, factor, master,

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if not made good, costs awarded, and for non-payment, committed. If bread mixt with other grain, or other proportion than by the assize; Penalty 20 s. as aforesaid. Magistrate neglecting, penalty 20 s. by civil bill.

Magistrates in day-time may enter and search baker's houses, view and try the bread:

and if deficient in goodness, weight, not duly baked, worked, or marked, &c. may seize and give to the poor or prisoners.

Penalty for resistance 40 s. to informer.

To remedy frauds and abuses in enhancing the price of wheat, &c. between importers or farmers and bakers and meal-men, and preventing the just calculation of assize of bread,

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Bakers, &c.  
buying corn or  
meal imported  
or brought  
coast-ways, shall  
in 24 hours re-  
turn in writing  
on oath to chief  
magistrate the  
number of bar-  
rels, the time,  
prices, allowan-  
ces and deducti-  
on, and from  
whom.

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altered.

If the return  
suspected, they,  
the merchant,  
&c. may be sum-  
moned and exa-  
mined on oath.

So if private  
agreement su-  
spected between  
the baker, &c.  
and the farmer.

Penalty for  
not making such  
return, refusing  
to appear, or to  
be examined,  
20 s. in said  
summary way,  
to informer.

To prevent  
sale of corn in  
private places,

master, or owner, importing corn, or any countryman or farmer, and the bakers, sellers of bread, and meal-men, for enhancing the price of wheat, meal, or flour, may be detected, and that the chief magistrates, justices of the peace, and seneschals, may be able to discover what allowances are made or given to the bakers, sellers of bread, or meal-men; to the intent that the real prices may be truly known, and the assize of bread justly and truly regulated, be it enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty eight every baker, seller of bread, or meal-man, who shall buy any corn or meal imported from abroad, or brought coast-ways into any city, port, or town by sea, from any merchant, factor, master, owner, or other person whatsoever, shall be and is hereby required within twenty four hours after such sale, to return in writing upon oath, for which no fee shall be paid, unto the chief magistrate of the city or town, where such corn is bought, the number of barrels of corn, which he, she, or they, shall buy in manner aforesaid, and the time when, as also the real price or prices of each barrel, and all and every allowance or allowances given for the same, either in the score or otherwise, and whether any and what deduction was to be made in the price for or on account of weight, and from whom the same was bought; and in case such chief magistrates shall have reason to suspect such return, it shall and may be lawful to and for such chief magistrates to summon not only such baker, sellers of bread, and meal-men, but also to summon the merchant, factor, master, owner, or other person, who sold the same, or any or every of them, being within their respective jurisdictions, and to examine him or them upon their oaths as to the truth of such return by the baker, seller of bread, or meal-man, which oaths they are hereby impowered to administer, to the end the quantity bought, the real price, and the allowances given for the same, may be truly known; and also that it shall and may be lawful to and for every mayor, or chief magistrate, justice of the peace, and seneschals within their respective jurisdictions, if they see cause, or shall suspect any private agreements between the countryman or farmer, and the bakers, sellers of bread, or meal-man, to summon and examine any such baker, seller of bread, or meal-man, or any or every of them, being within their respective jurisdictions, who shall buy or sell any grain, corn, or meal in the publick markets, immediately to appear before him or them, and upon such parties appearing, to examine him, her, or them, as to the prices, which are really and *bona fide* paid, or agreed to be paid, for such corn bought in the market by the barrel, and whether any and what allowances were to be given in the score or otherwise, or whether each barrel of corn was to weigh a certain weight, and, in case they did not answer to that weight, whether any allowance was to be given by the farmer or countryman in the price so agreed upon, and such other questions as shall be necessary to detect such frauds and abuses; and if any baker, meal-man, or seller of bread, who shall so buy any corn imported from abroad, or brought coast-ways, shall neglect or omit to make such return, or such baker, meal-man, or seller of bread, or the merchant, factor, master, owner, or other person selling such corn so imported, so summoned as aforesaid, shall refuse to appear according to such summons as aforesaid, or after appearance shall refuse to be examined upon oath as aforesaid, he, she, or they, so neglecting or refusing, shall for every such offence forfeit the sum of twenty shillings to the informer or informers, to be had and recovered in the summary manner and form before mentioned: and in case any of the said persons, so examined upon oath as aforesaid, shall either in the said return, or upon his, her, or their examinations, wilfully forswear him or herself, such person or persons so offending shall be indicted and prosecuted as for perjury at common law.

IX. And whereas it has been commonly practised by persons, who have brought corn from the country to the city of Dublin, to lodge and deposit such corn in inns and ware-houses, and other private places, and to send only a small quantity thereof to market, and privately to sell the residue remaining in such inns and ware-houses

to

to the bakers, and sellers of bread, and meal-men, whereby the assize of bread cannot be duly regulated: be it enacted by the authority aforesaid, That from and after the first day of June one thousand seven hundred and twenty eight no baker, or seller of bread, or meal-man, directly or indirectly, by himself, or others for his use, shall buy any grain or corn from any farmer or countryman; or other person whatsoever, but in the common publick markets, or places where corn is usually sold or exposed to sale within the city of Dublin, the liberties of saint Sepulchres, Thomas-court, and Donore, and other liberties thereunto adjoining (except where the same hath been imported, and then only from the merchant, factor, master, or owner importing the same): and if any baker, or seller of bread, or meal-man, shall be convicted of buying corn in any other place, or in any other manner, than as aforesaid, by the confession of the party, or by the oath of one or more credible witness or witnesses before the lord mayor of the city of Dublin, or the seneschals of their said liberties within their respective jurisdictions (which oath they have hereby respectively power to administer) such person or persons so offending shall for every such offence forfeit the sum of five pounds; to be had and recovered in the summary manner and form, and to be applied, as is herein before mentioned, with like liberty of appeal.

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Bakers, &c.  
shall buy corn only in publick markets in Dublin and the liberties (except where imported, and then from importer only)

Penalty 5 l.  
as aforesaid, with like liberty of appeal.

X. And whereas the bakers and sellers of bread in the said city of Dublin, and the liberties of Saint Sepulchres, Thomas-court, and Donore, adjoining to the said city, have of late not made and baked the like numbers of six-penny and twelve-penny household loaves as formerly, whereby the poorer sort of people have been great sufferers, and for want of a sufficient quantity of that bread are greatly distressed: be it enacted by the authority aforesaid, That from and after the first day of June one thousand seven hundred and twenty eight every baker, or other person making or exposing bread to sale within the city of Dublin, and liberties of Saint Sepulchres, Thomas-court, and Donore, shall at all times make and bake the same quantity of household as of wheaten bread, unless the said lord mayor and seneschals within their respective jurisdictions shall think it necessary, that greater quantities of household or other sort of bread should be made and baked, and shall publish the quantities and proportions to be so baked in the weekly assize of bread or otherwise under their hands respectively; which said directions, rules, and orders so published, the said bakers or sellers of bread are hereby required duly to observe and perform; and if any baker or seller of bread shall omit to bake an equal number of household as of wheaten loaves, or shall not observe such directions, rules, or orders, that shall be published as aforesaid for baking household bread, or other sorts of bread, he, she, or they, being thereof convicted, by the confession of the party, or by the oath of one or more credible witness or witnesses, before the said lord mayor or the said seneschals respectively within their respective jurisdictions, which oath they have hereby power to administer, shall for every such offence forfeit the sum of forty shillings, to be had and recovered in the summary manner and form, and to be applied as is before mentioned, with like liberty of appeal.

To prevent the want of household bread for the poorer sort,

the same quantity of household as of wheaten bread shall be baked in Dublin, &c.

unless lord mayor, &c. order a greater quantity, and publish the proportions;

Penalty for not observing said directions, 40 s. as aforesaid.

XI. And to the intent that the assize of bread may be truly set according to the real prices of wheat, meal, or flour, whereof such bread is made; be it enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty eight, every time the assize is or shall be ascertained according to the powers by this act given, the prices of grain in the respective markets within the distance of five miles of the city, town, liberty, or place, where such assize shall be fixed, shall from time to time be given in, and certified upon oath, before the said lord mayor of the city of Dublin, or such chief magistrate or magistrates, justices of the peace and seneschals aforesaid, as by this act are respectively authorized and impowered to set such assize, by the clerk or clerks of the said respective markets, or such constable or other peace officer of the place, where

The price of grain in markets within 5 miles of the place where the assize fixed shall from time to time be certified on oath to chief magistrate by clerk of market or peace officer.

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any

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**Chap. 16.**  
 The magi-  
 strate shall make  
 accustomed al-  
 lowances to ba-  
 kers. 19 G. 2.  
 17. 29 G. 2. 11.  
 Not to preju-  
 dice right of  
 lords of any leet.  
 On market-  
 days at the open-  
 ing the bell shall  
 ring at 11.  
 Corn shall not  
 be exposed to  
 sale before, on  
 pain of being  
 deemed fore-  
 stallers.  
 Lord mayor,  
 &c. shall attend  
 to take rates,  
 prices, and  
 quantity of corn,  
 that assize may  
 be weekly regu-  
 lated.  
 None punished  
 by this act shall  
 for same offence  
 be prosecuted on  
 any other law.  
 General issue  
 may be pleaded  
 by persons exe-  
 cuting this act,  
 and treble costs  
 recovered on  
 nonsuit, &c.  
 Continuance 2  
 years, &c.  
 Continued  
 3 G. 2. 5. to 25  
 March 1751,  
 &c. and further  
 for 4 years, &c.  
 by 23 G. 2. 8.

any such market shall be held, as the said magistrate, justices of peace, or seneschals, shall appoint, so that they may set the assize accordingly; the lord mayor and six of the aldermen of the city of Dublin, and the other chief magistrate or magistrates, justices of the peace, and seneschals as aforesaid, shall, as often as they judge necessary, make such further reasonable allowances to the bakers for their charges, pains, and livelyhood, as heretofore has been accustomed; any thing herein con- tained to the contrary notwithstanding.

**XII.** Provided always, That this act, or any thing therein contained, shall not extend to prejudice the right of the lord or lords of any leet, to set, inquire, and punish the breach of the assize of bread within their respective leets or views of Frank-pledge.

**XIII.** And to the end the said markets may be regularly kept; be it enacted by the authority aforesaid, That upon all market-days a market bell shall ring at eleven a clock in the morning for the opening the market; and if any farmer or other person or persons whatsoever shall sell or put to open sale any corn in the said mar- kets before ringing of the said bell, such offender or offenders shall be proceeded against as fore-stallers of the market; on which days the lord mayor of the city of Dublin, or some person by him authorized or appointed, shall duly attend to take the rates and prices of corn, and the quantity that shall be in the market, to the end a new assize of bread may be weekly regulated and published.

**XIV.** Provided always, That no person, punished by virtue of this act, shall be for the same offence prosecuted on any other law, statute, usage, or custom whatsoever.

**XV.** And be it further enacted by the authority aforesaid, That in case any per- son shall be sued, or otherwise impeached, for any thing he shall do in execution of this act, the defendant may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff be nonsuited, or judgment shall pass for the defendant in such suit, such defendant shall recover treble costs.

**XVI.** Provided always, That this act shall be and continue in force for two years from the first day of June one thousand seven hundred and twenty eight, and to the end of the next session of Parliament after the said two years.

# A TABLE of the Affize of Bread in Pounds, Ounces, and Drams, Avoirdupois Weight.

*Note, The Ounce is divided into eight Drams.*

| White Loaf. |             |             |             | Wheaten Loaf. |             |             |             | Household Loaf. |             |             |             | Explanation. |
|-------------|-------------|-------------|-------------|---------------|-------------|-------------|-------------|-----------------|-------------|-------------|-------------|--------------|
| Four Penny. |             | Six Penny.  |             | Four Penny.   |             | Six Penny.  |             | Four Penny.     |             | Six Penny.  |             |              |
| p. o. d. p. | p. o. d. p. | p. o. d. p. | p. o. d. p. | p. o. d. p.   | p. o. d. p. | p. o. d. p. | p. o. d. p. | p. o. d. p.     | p. o. d. p. | p. o. d. p. | p. o. d. p. |              |
| l. s. d.    |             |             |             |               |             |             |             |                 |             |             |             |              |
| 0 12 0      | 1 14 7      | 1 11 5      | 9 3 23      | 2 7 17        | 6 1 34      | 12 2 12     | 3 13 6      | 15 7 2          | 23 2 7      | 48 5 6      |             |              |
| 0 12 6      | 1 13 5      | 1 10 2      | 22 4 0      | 16 2 0        | 11 0 33     | 6 0 0       | 3 11 4      | 14 13 2         | 22 4 0      | 44 8 0      |             |              |
| 0 13 0      | 1 12 4      | 1 10 1      | 21 6 2      | 16 1 1        | 0 6 32      | 1 4 4       | 3 9 0       | 14 4 2          | 21 6 2      | 42 12 4     |             |              |
| 0 13 6      | 1 11 4      | 1 10 4      | 20 9 5      | 15 4 6        | 7 2 30      | 14 4 4      | 3 6 7       | 13 11 6         | 20 9 5      | 41 3 2      |             |              |
| 0 14 0      | 1 10 4      | 1 10 0      | 19 13 7     | 14 7 14       | 14 3 29     | 12 6 6      | 3 5 0       | 13 4 0          | 19 13 7     | 39 11 6     |             |              |
| 0 14 6      | 1 9 5       | 1 10 6      | 18 2 7      | 14 4 14       | 6 1 28      | 12 3 0      | 3 3 1       | 12 12 4         | 18 8 5      | 37 1 2      |             |              |
| 0 15 0      | 1 8 6       | 1 10 9      | 17 8 5      | 13 4 13       | 14 4 27     | 13 0 5      | 3 1 4       | 12 5 6          | 17 15 1     | 35 14 2     |             |              |
| 0 15 6      | 1 7 5       | 1 10 8      | 16 15 1     | 13 4 13       | 7 2 26      | 14 5 2      | 2 15 6      | 11 15 2         | 17 15 1     | 33 12 2     |             |              |
| 0 16 0      | 1 7 1       | 1 10 4      | 15 6 1      | 12 4 12       | 26 1 2      | 15 5 2      | 2 14 3      | 11 17 4         | 16 13 6     | 31 11 4     |             |              |
| 0 16 6      | 1 6 4       | 1 10 7      | 14 13 6     | 12 4 12       | 25 4 4      | 16 5 4      | 2 13 0      | 11 16 3         | 16 13 6     | 30 14 4     |             |              |
| 0 17 0      | 1 5 6       | 1 10 2      | 13 5 6      | 11 4 11       | 24 8 5      | 17 5 3      | 2 11 5      | 10 14 4         | 15 6 3      | 28 11 4     |             |              |
| 0 17 6      | 1 5 1       | 1 10 4      | 12 14 2     | 11 4 11       | 23 13 3     | 18 5 3      | 2 10 3      | 10 9 4          | 15 6 3      | 27 14 4     |             |              |
| 0 18 0      | 1 4 5       | 1 10 3      | 11 14 2     | 11 4 11       | 22 2 7      | 19 5 3      | 2 9 2       | 10 4 6          | 15 7 2      | 26 14 4     |             |              |
| 0 18 6      | 1 4 0       | 1 10 4      | 10 4 4      | 10 4 10       | 22 8 6      | 20 5 3      | 2 8 1       | 10 2 15         | 15 7 2      | 25 14 4     |             |              |
| 0 19 0      | 1 3 4       | 1 10 1      | 9 14 3      | 10 4 10       | 21 15 4     | 21 5 4      | 2 7 0       | 9 12 2          | 14 10 3     | 24 14 4     |             |              |
| 0 19 6      | 1 3 0       | 1 10 1      | 8 14 4      | 10 4 10       | 20 16 2     | 22 5 4      | 2 6 0       | 9 12 2          | 14 10 3     | 23 14 4     |             |              |
| 1 0 0       | 1 2 4       | 1 10 1      | 7 14 4      | 10 4 10       | 19 13 6     | 23 5 5      | 2 5 1       | 9 12 2          | 14 10 3     | 22 14 4     |             |              |
| 1 0 6       | 1 2 0       | 1 10 1      | 6 13 9      | 10 4 10       | 18 13 7     | 24 5 5      | 2 4 1       | 9 12 2          | 14 10 3     | 21 14 4     |             |              |
| 1 1 0       | 1 1 5       | 1 10 1      | 5 13 3      | 9 14 7        | 17 13 7     | 25 5 5      | 2 3 2       | 8 13 2          | 13 9 0      | 20 14 4     |             |              |
| 1 1 6       | 1 1 2       | 1 10 1      | 4 12 15     | 9 14 7        | 16 13 7     | 26 5 5      | 2 2 4       | 8 13 2          | 13 9 0      | 19 14 4     |             |              |
| 1 2 0       | 1 0 7       | 1 10 1      | 3 11 10     | 9 14 7        | 15 13 7     | 27 5 5      | 2 1 6       | 8 13 2          | 13 9 0      | 18 14 4     |             |              |

| Price of<br>the Quar-<br>ter with<br>Allow-<br>ance. | White Loaf. |          |            |          | Wheaten Loaf. |          |            |          | Household Loaf. |          |            |          |
|------------------------------------------------------|-------------|----------|------------|----------|---------------|----------|------------|----------|-----------------|----------|------------|----------|
|                                                      | Four Penny. |          | Six Penny. |          | Four Penny.   |          | Six Penny. |          | Four Penny.     |          | Six Penny. |          |
|                                                      | p. o. d.    | p. o. d. | p. o. d.   | p. o. d. | p. o. d.      | p. o. d. | p. o. d.   | p. o. d. | p. o. d.        | p. o. d. | p. o. d.   | p. o. d. |
| 1. s. d.                                             |             |          |            |          |               |          |            |          |                 |          |            |          |
| 1 2 6                                                | 1 0 4       | 4 1 5    | 6 2 7      | 12 5 6   | 1 8 6         | 6 2 7    | 9 4 3      | 18 8 5   | 2 1 0           | 8 3 2    | 12 5 6     | 24 11 4  |
| 1 3 0                                                | 1 0 1       | 4 0 4    | 6 0 6      | 12 1 4   | 1 8 1         | 6 0 6    | 9 1 1      | 18 2 2   | 2 0 2           | 8 1 0    | 12 1 4     | 24 3 0   |
| 1 3 6                                                | 0 15 6      | 3 15 1   | 5 14 5     | 11 13 3  | 1 7 5         | 5 14 5   | 8 14 0     | 17 12 0  | 1 15 4          | 7 14 2   | 11 13 3    | 23 10 6  |
| 1 4 0                                                | 0 15 3      | 3 13 6   | 5 12 6     | 11 9 3   | 1 7 1         | 5 12 6   | 8 11 0     | 17 6 1   | 1 14 7          | 7 11 4   | 11 9 3     | 23 2 6   |
| 1 4 6                                                | 0 15 1      | 3 12 5   | 5 10 6     | 11 5 5   | 1 6 5         | 5 10 6   | 8 8 2      | 17 0 4   | 1 14 2          | 7 9 2    | 11 5 5     | 22 11 2  |
| 1 5 0                                                | 0 14 6      | 3 11 3   | 5 9 0      | 11 2 0   | 1 6 2         | 5 9 0    | 8 5 4      | 16 11 0  | 1 13 5          | 7 6 8    | 11 2 0     | 22 4 0   |
| 1 5 6                                                | 0 14 4      | 3 10 1   | 5 7 2      | 10 14 4  | 1 5 6         | 5 7 2    | 8 2 7      | 16 5 6   | 1 13 1          | 7 4 2    | 10 14 4    | 21 13 0  |
| 1 6 0                                                | 0 14 0      | 3 9 0    | 5 5 4      | 10 11 0  | 1 5 3         | 5 5 4    | 8 0 3      | 16 0 6   | 1 12 4          | 7 2 0    | 10 11 0    | 21 6 0   |
| 1 6 6                                                | 0 14 0      | 3 8 0    | 5 4 0      | 10 7 0   | 1 5 0         | 5 4 0    | 7 13 7     | 15 11 7  | 1 12 0          | 7 0 0    | 10 7 0     | 20 14 0  |
| 1 7 0                                                | 0 13 6      | 3 6 7    | 5 2 3      | 10 4 6   | 1 4 5         | 5 2 3    | 7 11 5     | 15 7 2   | 1 11 4          | 6 13 6   | 10 4 6     | 20 9 4   |
| 1 7 6                                                | 0 13 4      | 3 5 7    | 5 0 7      | 10 1 6   | 1 4 2         | 5 0 7    | 7 9 3      | 15 2 6   | 1 11 0          | 6 11 6   | 10 1 6     | 20 3 4   |
| 1 8 0                                                | 0 13 2      | 3 5 0    | 4 15 4     | 9 14 7   | 1 3 7         | 4 15 4   | 7 1 1      | 14 14 3  | 1 10 4          | 6 10 0   | 9 14 7     | 19 13 6  |
| 1 8 6                                                | 0 13 0      | 3 4 0    | 4 14 0     | 9 12 1   | 1 3 4         | 4 14 0   | 7 5 1      | 14 10 2  | 1 10 0          | 6 8 0    | 9 12 1     | 19 8 2   |
| 1 9 0                                                | 0 12 6      | 3 3 1    | 4 12 6     | 9 9 4    | 1 3 1         | 4 12 6   | 7 3 1      | 14 6 1   | 1 9 5           | 6 6 2    | 9 4 1      | 19 3 0   |
| 1 9 6                                                | 0 12 4      | 3 2 2    | 4 11 3     | 9 6 7    | 1 2 7         | 4 11 3   | 7 1 1      | 14 2 2   | 1 9 1           | 6 4 4    | 9 6 7      | 18 13 6  |
| 1 10 0                                               | 0 12 3      | 3 1 3    | 4 10 1     | 9 4 3    | 1 2 4         | 4 10 1   | 6 15 2     | 13 14 4  | 1 8 6           | 6 2 6    | 9 4 3      | 18 8 6   |
| 1 10 6                                               | 0 12 1      | 3 0 5    | 4 8 7      | 9 1 7    | 1 2 2         | 4 8 7    | 6 13 3     | 13 10 6  | 1 8 2           | 6 1 2    | 8 15 4     | 17 15 0  |
| 1 11 0                                               | 0 11 7      | 2 15 7   | 4 7 6      | 8 15 4   | 1 1 7         | 4 7 6    | 6 11 5     | 13 7 2   | 1 7 7           | 5 15 6   | 8 13 2     | 17 10 4  |
| 1 11 6                                               | 0 11 6      | 2 15 1   | 4 6 5      | 8 13 2   | 1 1 5         | 4 6 5    | 6 10 0     | 13 4 0   | 1 7 4           | 5 14 2   | 8 11 0     | 17 6 0   |
| 1 12 0                                               | 0 11 4      | 2 14 3   | 4 5 4      | 8 11 0   | 1 1 3         | 4 5 4    | 6 8 2      | 13 0 4   | 1 7 1           | 5 12 6   | 8 8 7      | 17 1 6   |
| 1 12 6                                               | 0 11 3      | 2 13 5   | 4 4 4      | 8 8 7    | 1 1 1         | 4 4 4    | 6 5 1      | 12 13 3  | 1 6 7           | 5 11 2   | 8 7 1      | 16 1 6   |
| 1 13 0                                               | 0 11 2      | 2 12 7   | 4 3 3      | 8 6 6    | 1 0 7         | 4 3 3    | 6 5 1      | 12 10 2  | 1 6 4           | 5 9 8    | 8 6 6      | 16 13 4  |
| 1 13 6                                               | 0 11 0      | 2 12 2   | 4 2 3      | 8 4 6    | 1 0 5         | 4 2 3    | 6 3 5      | 12 7 2   | 1 6 1           | 5 8 4    | 8 4 6      | 16 9 4   |
| 1 14 0                                               | 0 10 7      | 2 11 5   | 4 1 3      | 8 2 7    | 1 0 3         | 4 1 3    | 6 2 1      | 12 4 2   | 1 5 6           | 5 7 2    | 8 2 7      | 16 5 6   |
| 1 14 6                                               | 0 10 6      | 2 11 0   | 4 0 4      | 8 1 0    | 1 0 1         | 4 0 4    | 6 0 6      | 12 1 4   | 1 5 4           | 5 6 0    | 8 1 0      | 16 2 0   |
| 1 15 0                                               | 0 10 5      | 2 10 3   | 3 15 5     | 7 15 1   | 0 15 7        | 3 15 5   | 5 15 3     | 11 14 6  | 1 5 1           | 5 4 6    | 7 15 1     | 15 14 2  |
| 1 15 6                                               | 0 10 3      | 2 9 6    | 3 14 5     | 7 13 3   | 0 15 5        | 3 14 5   | 5 14 0     | 11 12 0  | 1 4 7           | 5 3 4    | 7 13 3     | 15 10 6  |
| 1 16 0                                               | 0 10 2      | 2 9 2    | 3 13 6     | 7 11 5   | 0 15 3        | 3 13 6   | 5 12 3     | 11 8 6   | 1 4 5           | 5 2 4    | 7 11 5     | 15 7 2   |
| 1 16 6                                               | 0 10 1      | 2 8 5    | 3 13 0     | 7 9 7    | 0 15 2        | 3 13 0   | 5 11 3     | 11 6 7   | 1 4 2           | 5 1 2    | 7 9 7      | 15 3 6   |

| Price of<br>the Quar-<br>ter with<br>Allow-<br>ance. | White Loaf. |    |             |    |               | Wheaten Loaf. |    |             |    |            | Household Loaf. |    |             |    |            |
|------------------------------------------------------|-------------|----|-------------|----|---------------|---------------|----|-------------|----|------------|-----------------|----|-------------|----|------------|
|                                                      | Penny.      |    | Four Penny. |    | Twelve Penny. | Penny.        |    | Four Penny. |    | Six Penny. | Penny.          |    | Four Penny. |    | Six Penny. |
|                                                      | p.          | d. | p.          | d. | p.            | p.            | d. | p.          | d. | p.         | p.              | d. | p.          | d. | p.         |
| 1. s. d.                                             | 1           | 17 | 0           | 0  | 10            | 0             | 2  | 8           | 1  | 3          | 12              | 1  | 7           | 8  | 2          |
| 1                                                    | 17          | 6  | 0           | 9  | 7             | 2             | 7  | 4           | 3  | 11         | 2               | 7  | 5           | 6  | 5          |
| 1                                                    | 18          | 0  | 0           | 9  | 6             | 2             | 7  | 0           | 3  | 10         | 4               | 7  | 5           | 5  | 1          |
| 1                                                    | 18          | 6  | 0           | 9  | 5             | 2             | 6  | 4           | 3  | 9          | 6               | 7  | 3           | 4  | 4          |
| 1                                                    | 19          | 0  | 0           | 9  | 4             | 2             | 6  | 0           | 3  | 9          | 0               | 7  | 2           | 1  | 14         |
| 1                                                    | 19          | 6  | 0           | 9  | 3             | 2             | 5  | 4           | 3  | 8          | 2               | 7  | 0           | 5  | 14         |
| 2                                                    | 0           | 0  | 0           | 9  | 2             | 2             | 5  | 0           | 3  | 7          | 5               | 6  | 15          | 2  | 13         |
| 2                                                    | 0           | 6  | 0           | 9  | 1             | 2             | 4  | 5           | 3  | 6          | 7               | 6  | 13          | 7  | 11         |
| 2                                                    | 1           | 0  | 0           | 9  | 0             | 2             | 4  | 1           | 3  | 6          | 2               | 6  | 12          | 4  | 9          |
| 2                                                    | 1           | 6  | 0           | 8  | 7             | 2             | 3  | 6           | 3  | 5          | 5               | 6  | 11          | 2  | 8          |
| 2                                                    | 2           | 0  | 0           | 8  | 6             | 2             | 3  | 2           | 3  | 5          | 0               | 6  | 10          | 0  | 7          |
| 2                                                    | 2           | 6  | 0           | 8  | 6             | 2             | 2  | 7           | 3  | 4          | 3               | 6  | 8           | 6  | 4          |
| 2                                                    | 3           | 0  | 0           | 8  | 5             | 2             | 2  | 4           | 3  | 3          | 3               | 6  | 7           | 4  | 3          |
| 2                                                    | 3           | 6  | 0           | 8  | 4             | 2             | 2  | 1           | 3  | 3          | 1               | 6  | 6           | 2  | 2          |
| 2                                                    | 4           | 0  | 0           | 8  | 3             | 2             | 2  | 5           | 3  | 2          | 4               | 6  | 5           | 1  | 1          |
| 2                                                    | 4           | 6  | 0           | 8  | 2             | 2             | 1  | 2           | 3  | 2          | 0               | 6  | 4           | 0  | 0          |
| 2                                                    | 5           | 0  | 0           | 8  | 2             | 2             | 0  | 7           | 3  | 1          | 3               | 6  | 2           | 7  | 12         |
| 2                                                    | 5           | 6  | 0           | 8  | 1             | 2             | 0  | 5           | 3  | 0          | 7               | 6  | 1           | 6  | 12         |
| 2                                                    | 6           | 0  | 0           | 8  | 0             | 2             | 0  | 2           | 3  | 0          | 3               | 6  | 0           | 5  | 11         |
| 2                                                    | 6           | 6  | 0           | 7  | 7             | 0             | 1  | 15          | 7  | 2          | 15              | 7  | 15          | 5  | 15         |
| 2                                                    | 7           | 0  | 0           | 7  | 6             | 0             | 1  | 15          | 4  | 2          | 15              | 5  | 14          | 4  | 11         |
| 2                                                    | 7           | 6  | 0           | 7  | 6             | 0             | 1  | 15          | 2  | 2          | 14              | 7  | 13          | 5  | 11         |
| 2                                                    | 8           | 0  | 0           | 7  | 6             | 0             | 1  | 14          | 7  | 2          | 14              | 3  | 12          | 6  | 11         |
| 2                                                    | 8           | 6  | 0           | 7  | 5             | 0             | 1  | 14          | 4  | 2          | 13              | 7  | 11          | 5  | 11         |
| 2                                                    | 9           | 0  | 0           | 7  | 4             | 0             | 1  | 14          | 2  | 2          | 13              | 3  | 10          | 4  | 11         |
| 2                                                    | 9           | 6  | 0           | 7  | 4             | 0             | 1  | 13          | 5  | 2          | 12              | 4  | 9           | 3  | 11         |
| 2                                                    | 10          | 0  | 0           | 7  | 3             | 0             | 1  | 13          | 3  | 2          | 12              | 2  | 8           | 2  | 11         |
| 2                                                    | 10          | 6  | 0           | 7  | 3             | 0             | 1  | 13          | 1  | 2          | 11              | 4  | 7           | 1  | 10         |
| 2                                                    | 11          | 0  | 0           | 7  | 2             | 0             | 1  | 12          | 6  | 2          | 11              | 1  | 6           | 0  | 10         |
| 2                                                    | 11          | 6  | 0           | 7  | 1             | 0             | 1  | 12          | 4  | 2          | 11              | 0  | 5           | 0  | 10         |
| 2                                                    | 11          | 6  | 0           | 7  | 1             | 0             | 1  | 12          | 2  | 1          | 11              | 0  | 4           | 0  | 10         |
| 2                                                    | 11          | 6  | 0           | 7  | 1             | 0             | 1  | 12          | 1  | 1          | 11              | 0  | 3           | 0  | 10         |
| 2                                                    | 11          | 6  | 0           | 7  | 1             | 0             | 1  | 12          | 0  | 0          | 11              | 0  | 2           | 0  | 10         |

| Price of<br>the Quar-<br>ter with<br>Allow-<br>ance. | White Loaf. |    |    |            |    |    | Wheaten Loaf. |    |    |            |    |    | Household Loaf. |    |    |            |    |    |
|------------------------------------------------------|-------------|----|----|------------|----|----|---------------|----|----|------------|----|----|-----------------|----|----|------------|----|----|
|                                                      | Four Penny. |    |    | Six Penny. |    |    | Four Penny.   |    |    | Six Penny. |    |    | Four Penny.     |    |    | Six Penny. |    |    |
|                                                      | p.          | o. | d. | p.         | o. | d. | p.            | o. | d. | p.         | o. | d. | p.              | o. | d. | p.         | o. | d. |
| 2 12 0                                               | 0           | 7  | 1  | 0          | 1  | 1  | 0             | 10 | 5  | 2          | 0  | 10 | 0               | 14 | 2  | 0          | 4  | 10 |
| 2 12 6                                               | 0           | 7  | 0  | 1          | 1  | 2  | 0             | 10 | 5  | 2          | 0  | 10 | 0               | 14 | 2  | 0          | 4  | 10 |
| 2 13 0                                               | 0           | 7  | 0  | 1          | 1  | 2  | 0             | 10 | 4  | 2          | 0  | 10 | 0               | 14 | 1  | 0          | 10 | 9  |
| 2 13 6                                               | 0           | 6  | 7  | 1          | 1  | 6  | 0             | 10 | 3  | 2          | 0  | 10 | 0               | 13 | 0  | 0          | 10 | 8  |
| 2 14 0                                               | 0           | 6  | 7  | 1          | 1  | 4  | 0             | 10 | 3  | 2          | 0  | 10 | 0               | 13 | 7  | 3          | 10 | 6  |
| 2 14 6                                               | 0           | 6  | 6  | 1          | 1  | 1  | 0             | 10 | 2  | 2          | 0  | 10 | 0               | 13 | 6  | 3          | 10 | 4  |
| 2 15 0                                               | 0           | 6  | 6  | 1          | 1  | 1  | 0             | 10 | 2  | 2          | 0  | 10 | 0               | 13 | 5  | 2          | 10 | 3  |
| 2 15 6                                               | 0           | 6  | 5  | 1          | 1  | 0  | 0             | 10 | 1  | 2          | 0  | 10 | 0               | 13 | 5  | 1          | 10 | 2  |
| 2 16 0                                               | 0           | 6  | 5  | 1          | 1  | 0  | 0             | 9  | 7  | 2          | 0  | 9  | 0               | 13 | 5  | 0          | 10 | 0  |
| 2 16 6                                               | 0           | 6  | 4  | 1          | 1  | 0  | 0             | 9  | 7  | 2          | 0  | 9  | 0               | 13 | 4  | 15         | 9  | 15 |
| 2 17 0                                               | 0           | 6  | 4  | 1          | 1  | 0  | 0             | 9  | 6  | 2          | 0  | 9  | 0               | 13 | 3  | 14         | 9  | 13 |
| 2 17 6                                               | 0           | 6  | 3  | 1          | 1  | 0  | 0             | 9  | 5  | 2          | 0  | 9  | 0               | 12 | 3  | 14         | 9  | 12 |
| 2 18 0                                               | 0           | 6  | 3  | 1          | 1  | 0  | 0             | 9  | 5  | 2          | 0  | 9  | 0               | 12 | 3  | 13         | 9  | 10 |
| 2 18 6                                               | 0           | 6  | 2  | 1          | 1  | 0  | 0             | 9  | 4  | 2          | 0  | 9  | 0               | 12 | 3  | 12         | 9  | 9  |
| 2 19 0                                               | 0           | 6  | 2  | 1          | 1  | 0  | 0             | 9  | 3  | 2          | 0  | 9  | 0               | 12 | 3  | 12         | 9  | 8  |
| 2 19 6                                               | 0           | 6  | 1  | 1          | 1  | 0  | 0             | 9  | 3  | 2          | 0  | 9  | 0               | 12 | 3  | 11         | 9  | 6  |
| 3 0 0                                                | 0           | 6  | 1  | 1          | 1  | 0  | 0             | 9  | 2  | 2          | 0  | 9  | 0               | 12 | 3  | 10         | 9  | 5  |
| 3 0 6                                                | 0           | 6  | 1  | 1          | 1  | 0  | 0             | 9  | 1  | 2          | 0  | 9  | 0               | 12 | 3  | 10         | 9  | 4  |
| 3 1 0                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 9  | 1  | 2          | 0  | 9  | 0               | 12 | 3  | 9          | 9  | 3  |
| 3 1 6                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 9  | 0  | 2          | 0  | 9  | 0               | 12 | 3  | 9          | 9  | 1  |
| 3 2 0                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 9  | 0  | 2          | 0  | 9  | 0               | 12 | 3  | 9          | 9  | 0  |
| 3 2 6                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 7  | 2          | 0  | 9  | 0               | 11 | 7  | 8          | 8  | 15 |
| 3 3 0                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 6  | 2          | 0  | 9  | 0               | 11 | 6  | 7          | 8  | 14 |
| 3 3 6                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 6  | 2          | 0  | 9  | 0               | 11 | 5  | 6          | 8  | 13 |
| 3 4 0                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 5  | 2          | 0  | 9  | 0               | 11 | 4  | 5          | 8  | 12 |
| 3 4 6                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 5  | 2          | 0  | 9  | 0               | 11 | 4  | 5          | 8  | 11 |
| 3 5 0                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 4  | 2          | 0  | 9  | 0               | 11 | 3  | 4          | 8  | 10 |
| 3 5 6                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 4  | 2          | 0  | 9  | 0               | 11 | 3  | 4          | 8  | 8  |
| 3 6 0                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 3  | 2          | 0  | 9  | 0               | 11 | 2  | 3          | 8  | 7  |
| 3 6 6                                                | 0           | 6  | 0  | 1          | 1  | 0  | 0             | 8  | 3  | 2          | 0  | 9  | 0               | 11 | 2  | 3          | 8  | 5  |



| Price of<br>the Quar-<br>ter with<br>Allow-<br>ance. | White Loaf. |    |            |    | Wheaten Loaf. |    |            |    | Household Loaf. |    |            |    |
|------------------------------------------------------|-------------|----|------------|----|---------------|----|------------|----|-----------------|----|------------|----|
|                                                      | Penny.      |    | Six Penny. |    | Penny.        |    | Six Penny. |    | Penny.          |    | Six Penny. |    |
|                                                      | p.          | d. | p.         | d. | p.            | d. | p.         | d. | p.              | d. | p.         | d. |
| 3 7 0                                                | 0           | 5  | 4          | 1  | 0             | 8  | 0          | 2  | 0               | 11 | 0          | 2  |
| 3 7 6                                                | 0           | 5  | 4          | 1  | 0             | 8  | 2          | 2  | 0               | 11 | 0          | 2  |
| 3 8 0                                                | 0           | 5  | 4          | 1  | 0             | 8  | 1          | 2  | 0               | 10 | 7          | 2  |
| 3 8 6                                                | 0           | 5  | 3          | 1  | 0             | 8  | 1          | 2  | 0               | 10 | 7          | 2  |
| 3 9 0                                                | 0           | 5  | 3          | 1  | 0             | 8  | 0          | 2  | 0               | 10 | 6          | 2  |
| 3 9 6                                                | 0           | 5  | 3          | 1  | 0             | 8  | 0          | 2  | 0               | 10 | 6          | 2  |
| 3 10 0                                               | 0           | 5  | 2          | 1  | 0             | 7  | 1          | 1  | 0               | 10 | 5          | 2  |
| 3 10 6                                               | 0           | 5  | 2          | 1  | 0             | 7  | 1          | 1  | 0               | 10 | 5          | 2  |
| 3 11 0                                               | 0           | 5  | 2          | 1  | 0             | 7  | 6          | 1  | 0               | 10 | 4          | 2  |
| 3 11 6                                               | 0           | 5  | 1          | 1  | 0             | 7  | 6          | 1  | 0               | 10 | 3          | 2  |
| 3 12 0                                               | 0           | 5  | 1          | 1  | 0             | 7  | 5          | 1  | 0               | 10 | 2          | 2  |
| 3 12 6                                               | 0           | 5  | 1          | 1  | 0             | 7  | 5          | 1  | 0               | 10 | 2          | 2  |
| 3 13 0                                               | 0           | 5  | 0          | 1  | 0             | 7  | 4          | 1  | 0               | 10 | 1          | 2  |
| 3 13 6                                               | 0           | 5  | 0          | 1  | 0             | 7  | 4          | 1  | 0               | 10 | 1          | 2  |
| 3 14 0                                               | 0           | 5  | 0          | 1  | 0             | 7  | 4          | 1  | 0               | 10 | 0          | 2  |
| 3 14 6                                               | 0           | 5  | 0          | 1  | 0             | 7  | 4          | 1  | 0               | 10 | 0          | 2  |
| 3 15 0                                               | 0           | 4  | 7          | 1  | 0             | 7  | 3          | 1  | 0               | 9  | 7          | 2  |
| 3 15 6                                               | 0           | 4  | 7          | 1  | 0             | 7  | 3          | 1  | 0               | 9  | 7          | 2  |
| 3 16 0                                               | 0           | 4  | 7          | 1  | 0             | 7  | 2          | 1  | 0               | 9  | 6          | 2  |
| 3 16 6                                               | 0           | 4  | 6          | 1  | 0             | 7  | 2          | 1  | 0               | 9  | 6          | 2  |
| 3 17 0                                               | 0           | 4  | 6          | 1  | 0             | 7  | 1          | 1  | 0               | 9  | 5          | 2  |
| 3 17 6                                               | 0           | 4  | 6          | 1  | 0             | 7  | 1          | 1  | 0               | 9  | 5          | 2  |
| 3 18 0                                               | 0           | 4  | 6          | 1  | 0             | 7  | 1          | 1  | 0               | 9  | 4          | 2  |
| 3 18 6                                               | 0           | 4  | 5          | 1  | 0             | 7  | 0          | 1  | 0               | 9  | 3          | 2  |
| 3 19 0                                               | 0           | 4  | 5          | 1  | 0             | 7  | 0          | 1  | 0               | 9  | 3          | 2  |
| 3 19 6                                               | 0           | 4  | 5          | 1  | 0             | 7  | 0          | 1  | 0               | 9  | 3          | 2  |
| 4 0 0                                                | 0           | 4  | 4          | 1  | 0             | 6  | 7          | 1  | 0               | 8  | 2          | 2  |
| 4 0 6                                                | 0           | 4  | 4          | 1  | 0             | 6  | 7          | 1  | 0               | 8  | 2          | 2  |
| 4 1 0                                                | 0           | 4  | 4          | 1  | 0             | 6  | 6          | 1  | 0               | 8  | 1          | 2  |
| 4 1 6                                                | 0           | 4  | 4          | 1  | 0             | 6  | 6          | 1  | 0               | 8  | 1          | 2  |

| Price of<br>the Quar-<br>ter with<br>Allow-<br>ance. | White Loaf. |          |            |          | Wheaten Loaf. |          |            |          | Household Loaf. |          |            |          |
|------------------------------------------------------|-------------|----------|------------|----------|---------------|----------|------------|----------|-----------------|----------|------------|----------|
|                                                      | Penny.      |          | Six Penny. |          | Penny.        |          | Six Penny. |          | Penny.          |          | Six Penny. |          |
|                                                      | p. o. d.    | p. o. d. | p. o. d.   | p. o. d. | p. o. d.      | p. o. d. | p. o. d.   | p. o. d. | p. o. d.        | p. o. d. | p. o. d.   | p. o. d. |
| 4 2 0                                                | 4 4         | 1 2      | 1 1        | 1 3      | 6 6           | 1 1      | 1 2        | 8 5      | 0 9             | 0 2      | 4 0        | 6 2      |
| 4 2 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 9             | 0 2      | 3 6        | 6 0      |
| 4 3 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 3 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 4 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 4 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 5 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 5 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 6 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 6 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 7 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 7 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 8 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 8 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 9 0                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 9 6                                                | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 10 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 10 6                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 11 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 11 6                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 12 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 12 6                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 13 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 13 6                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 14 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 14 6                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 15 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 15 6                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |
| 4 16 0                                               | 4 4         | 1 1      | 1 1        | 0 3      | 6 6           | 1 1      | 0 2        | 8 3      | 0 8             | 0 2      | 3 6        | 6 0      |

| Price of<br>the Quar-<br>ter with<br>Allow-<br>ance. | White Loaf. |    |            |    |               | Wheaten Loaf. |    |             |    |            | Household Loaf. |    |             |    |               |
|------------------------------------------------------|-------------|----|------------|----|---------------|---------------|----|-------------|----|------------|-----------------|----|-------------|----|---------------|
|                                                      | Penny.      |    | Six Penny. |    | Twelve Penny. | Penny.        |    | Four Penny. |    | Six Penny. | Penny.          |    | Four Penny. |    | Twelve Penny. |
|                                                      | p.          | o. | d.         | p. | o.            | d.            | p. | o.          | d. | p.         | o.              | d. | p.          | o. | d.            |
| l. s. d.                                             |             |    |            |    |               |               |    |             |    |            |                 |    |             |    |               |
| 4 16 6                                               | 0           | 03 | 7          | 0  | 15            | 3             | 1  | 07          | 0  | 02         | 14              | 0  | 0           | 7  | 5             |
| 4 17 0                                               | 0           | 03 | 6          | 0  | 15            | 2             | 1  | 06          | 7  | 02         | 13              | 7  | 0           | 7  | 5             |
| 4 17 6                                               | 0           | 03 | 6          | 0  | 15            | 1             | 1  | 06          | 6  | 02         | 13              | 5  | 0           | 7  | 5             |
| 4 18 0                                               | 0           | 03 | 6          | 0  | 15            | 1             | 1  | 06          | 5  | 02         | 13              | 3  | 0           | 7  | 4             |
| 4 18 6                                               | 0           | 03 | 6          | 0  | 15            | 0             | 1  | 06          | 4  | 02         | 13              | 1  | 0           | 7  | 4             |
| 4 19 0                                               | 0           | 03 | 6          | 0  | 15            | 0             | 1  | 06          | 4  | 02         | 12              | 7  | 0           | 7  | 4             |
| 4 19 6                                               | 0           | 03 | 6          | 0  | 14            | 7             | 1  | 06          | 3  | 02         | 12              | 5  | 0           | 7  | 3             |
| 5 00 0                                               | 0           | 03 | 6          | 0  | 14            | 6             | 1  | 06          | 2  | 02         | 12              | 4  | 0           | 7  | 3             |

EXPLANATION.

IN the first column is the price of the quarter of wheat, which is two barrels, the allowance of the magistrate to the baker, which is six shillings the quarter for baking, being included ; and in the other columns is the weight of the several loaves, so that (for example) if the price of wheat is two pounds the quarter, and the magistrates allowance six shillings to the baker for baking, then even with two pounds six shillings in the first column, will be found the weight of the several loaves.

Note, The white loaves are one half, and the wheaten three quarters of the household loaves.



*An act for continuing several temporary statutes made in this kingdom, now near expiring.*

WHEREAS an act passed in the eighth year of his late Majesty's reign, intituled, *An act for the further amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom; and for preventing the destruction of salmon*; which said act was continued and amended by an act made in the tenth year of his said late Majesty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks, in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation and for preventing the destruction of salmon*; and explained and amended by another act made in the twelfth year of his late Majesty's reign, intituled, *An act for explaining and amending an act*, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation; and for preventing the destruction of salmon*; which said act was made to continue and be in force only for two years, and from thenceforth to the end of the then next session of Parliament and no longer, and is now near expiring; but, being found to be useful, is therefore fit to be continued: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said last mentioned act, and every clause, article, and proviso therein contained be continued, and shall be in full force to all intents and purposes, to the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and thirty, and from thence to the end of the then next session of Parliament, and no longer.

Butter, &c.  
8 G. 1. 7.

Continued  
and amended  
10 G. 1. 9.

Explained,  
and amended  
12 G. 1. 5.

near expiring,

continued to  
25 March  
1730, &c.  
& by 21 G.  
2. 7. 10 29  
Sept. 1769,  
&c.

II. And whereas an act of Parliament was made in the twelfth year of his said late Majesty's reign, intituled, *An act to prevent the fraudulent and clandestine importing of goods*; which said act of Parliament was made to continue and be in force only until the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty eight, and from thence to the end of the then next session of Parliament, and no longer, and is now near expiring; but, being found to be useful, and a most necessary law, is therefore fit to be continued: be it enacted by the authority aforesaid, That

Customs  
12 G. 1. 2.

continued to  
25 March  
1730.

That

A. D. 1727. That the said act, and every clause, article, and proviso therein contained, be continued, and shall be in full force to all intents and purposes, to the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and thirty, and from thence to the end of the then next session of Parliament, and no longer.

Repealed  
33 G. 2. 10.

Error  
15 C. 1. 5.

The chancellor, in absence of the treasurer and vice-treasurer, may in presence of both or either of the chief justices give judgment in error.

31 Eliz. 1.

Eng. 16 C. 2. 2.

Eng. 20 C. 2. 4.

Eng. and in absence of the chancellor both or either of chief justices may on motion compel plaintiff to assign errors.

Causes in equity delayed for want of appearance of trustees,

III. And whereas by an act of Parliament made in the fifteenth year of the reign of King Charles the first, intituled, *An act against discontinuances of writs of error in the court of Exchequer, and for the better expedition in giving judgment therein*, it is among other things enacted, "That judgment shall and may be given by the lord chancellor, lord treasurer, or vice-treasurer in the absence of the lord treasurer, and in the presence and by the advice of both the chief justices of either bench, in every or any such suit or writ of error; and that all and every such judgment, so thereafter to be given, shall be good, valid, and effectual in the law to all intents and purposes:" and whereas it may happen, that the said lord treasurer and vice-treasurer may both be absent from this kingdom, and that it may be inconvenient at all times to require the attendance of both the said chief justices at the time, when such judgment shall be given: be it enacted by the authority aforesaid, That it shall and may be lawful to and for the lord chancellor, in the absence of the lord treasurer and vice-treasurer, in the presence and by the advice of both or either of the said chief justices, to give judgment in every or any such suit or writ of error; and that all and every such judgment so given shall be good, valid, and effectual in the law to all intents and purposes, notwithstanding any matter or thing in the said former act or in any other act contained to the contrary; and that in the absence of the lord chancellor both or either of the said chief justices may upon motion issue process, and make rules, to compel the plaintiff to assign his errors in any suit depending in the said court.

IV. And whereas it is often necessary to make persons defendants in causes depending in courts of equity, who are only trustees, and no otherwise concerned in interest in the event of such suits, and such trustees, though duly served with all the usual process of the said courts to compel defendants to appear and answer, have frequently refused or neglected to appear, and for want of such appearance the plaintiff or plaintiffs in such suits cannot, as the law now stands, bring the said causes to a hearing, whereby the suitors have been put to great expence and delay: for remedy whereof be it enacted by the authority aforesaid, That in all suits, which shall be commenced by English bill in the high court of Chancery or court of Exchequer in this kingdom from

from and after the twenty fifth day of March, which shall be in A. D. 1727.  
 the year of our Lord one thousand seven hundred and twenty eight  
 it shall and may be lawful to and for the said courts of Chancery  
 and Exchequer respectively to proceed to hear and determine all  
 such causes depending before them respectively, and to make such  
 decree and decrees therein against every person and persons, who  
 shall appear to them to have been duly served with the process of  
 the said courts, and to have stood out the process of the said courts  
 to a sequestration, and to be only a trustee or trustees, and no  
 otherwise concerned in interest in the matter in question; in such  
 and the same manner as if such trustee or trustees had duly appear-  
 ed and put in his, her, or their answer; any law, custom, or usage  
 to the contrary thereof in any wise notwithstanding.

Chancery  
 or Exchequer  
 may proceed  
 to decree a-  
 gainst trustees  
 standing out  
 process to se-  
 questration.

5 G. 2. 4. an  
 absolute decree.  
 5 G. 2. 8.  
 where trustee  
 can't be found.

C H A P. XVIII.

*An Act to enable archbishops, bishops, and other ecclesiastical persons  
 and corporations, to grant their patronage, or right of presentation;  
 or nomination to small livings, to such persons as shall augment  
 the same; and also to enable archbishops and bishops, and other  
 ecclesiastical persons therein mentioned, to make agreements with their  
 tenants for the inclosing and improving their woods.*

WHEREAS there are many parsonages, vicarages, and  
 curacies in this kingdom of so small a value, that the in-  
 come thereof is not sufficient for the support of a resident minister  
 to officiate and serve therein; by reason whereof many papists,  
 who might be converted to the church of Ireland as by law estab-  
 lished, for want of such fit and able persons to instruct them  
 not only continue in their errors, and educate their children in  
 the same, but are daily making converts thereto, and there is too  
 often seen in such places a great neglect of all religious worship  
 and true christian piety, to the great dishonour of God and reli-  
 gion: and whereas the archbishops, bishops, and other ecclesiastical  
 persons and corporations in this kingdom, are in right of  
 their archbishopricks, bishopricks, and churches, intituled to the  
 patronage or right of presentation and nomination to many such  
 small benefices and cures, and for preventing the like evil conse-  
 quences for the future are disposed to grant the same to such  
 good and pious persons, as shall augment such small benefices and  
 cures with a competent provision for the support of the person  
 officiating therein, but are by law disabled to make such grants:  
 and whereas it is necessary, that the clear improved yearly value  
 of such small benefices and curacies, which by this act are

Many vica-  
 rages, &c. of  
 too small va-  
 lue:

Mischiefs  
 thereof:

Bishops, &c.  
 disposed to  
 grant the pa-  
 tronage to  
 such as shall  
 augment, but  
 by law disa-  
 bled.

A. D. 1727. intended to be augmented, should be ascertained as exactly, as may be: be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal

*Bishops shall inquire of the clear improved yearly value of benefices, &c. reputed not above 30l. per ann.*

*and of the profits accruing to the parson, with the circumstances, and certify to trustees of first fruits,*

10 G. I. 7.

*to be entered by them, attested, &c.*

*which shall be evidence of the true improved value.*

*after which any person may augment benefices, &c. whereof advowsons be-*

and commons in this present Parliament assembled, and by the authority of the same, That the respective archbishops and bishops of every diocese shall be and are hereby impowered and required from time to time, as they shall see occasion, as well by the oath of two or more credible witnesses (which they, or others commissioned by them under their hands and seals, are hereby impowered to administer) as by all other lawful ways and means, to inform themselves of the clear improved yearly value of all and every benefice, living with cure of souls, and curacies, which are commonly reputed not to exceed thirty pounds *per annum*, and of the true improved clear yearly value of the profits accruing to the parson, vicar, curate, or minister officiating therein, within their several diocesses, and how such yearly values arise, with the other circumstances thereof, and the same, or such of them whereof they have lawfully informed themselves, from time to time to certify under their respective hands and episcopal seals to the trustees and commissioners of the first fruits payable out of ecclesiastical benefices, mentioned and incorporated in and by an act made in the tenth year of the reign of his late Majesty King George the first and intituled, *An act for amending an act, intituled, An act for confirming the several grants made by her late Majesty of the first fruits and twentieth parts, payable out of the ecclesiastical benefices in this kingdom; and also for giving the archbishops and other ecclesiastical persons four years time for the payment of first fruits; and for incorporating the trustees and commissioners of the said first fruits:* which said trustees and commissioners of the first fruits are hereby required with all convenient speed to enter the said certificates in a book, to be provided and kept by them for that purpose; and the said entries being so made, attested, and subscribed by the *quorum* of the said commissioners in the said act mentioned and appointed, or more of them, shall be deemed and taken as records, and evidence of the true improved yearly value of such benefice, living, or curacy; and no other or different value shall be admitted or allowed to be proved in any suit at law or in equity touching any grant or augmentation, which shall be after made thereof by virtue or in pursuance of this present act.

II. And be it further enacted by the authority aforesaid, That after such certificate shall be returned so approved of, and entered and subscribed by the *quorum* of the said trustees or commissioners, or more of them as aforesaid, it shall and may be lawful to and



And for any person or persons, bodies politic or corporate, to A. D. 1727.  
 endow or augment any living, benefice, or curacy, whereof the  
 advowsons right of patronage, presentation, or nomination, shall Chap. 18.  
 belong to any archbishop, bishop, dean, or dean and chapter re-  
 spectively, which shall in manner aforesaid appear to be under or  
 of the clear yearly value of thirty pounds and not more, with any  
 lands, tythes, tenements, or hereditaments of the clear yearly va-  
 lue of thirty pounds or more: provided such augmentation shall  
 not exceed the sum of seventy pounds *per annum*: and from and  
 after such endowment and augmentation, the person or persons,  
 who shall so endow and augment the same, in case the same  
 be made by and with the consent and approbation of the arch-  
 bishop, bishop, dean, or dean and chapter respectively, who  
 shall be at the time of such endowment or augmentation seized  
 of or intituled to the advowson, right of patronage, presentati-  
 on, or nomination of or to such endowed or augmented benefice,  
 living, or curacy and not otherwise, by settling and conveying  
 lands, tythes, tenements, or hereditaments, to and upon the  
 rector, vicar, or curate of such benefice, living, or curacy, for  
 the use of him and his successors in the said augmented benefice,  
 living, or curacy, shall for ever after be deemed and taken to be  
 true and only patron or patrons of such augmented benefice,  
 living, or curacy; and from and after such endowment and aug-  
 mentation shall be made as aforesaid, it shall and may be law-  
 ful to and for all and every the archbishops, bishops, deans,  
 and deans and chapters, who are or shall be, at or before such  
 endowment or augmentation shall be made as aforesaid, seized of  
 or intituled unto the advowson, right of patronage, presentation,  
 or nomination of or to such endowed or augmented benefice,  
 living, or curacy, and they are hereby respectively authorized and  
 required, to convey and make over the advowson, right of patro-  
 nage, presentation, or nomination of and to such endowed or  
 augmented benefice, living, or curacy, to the person or persons  
 endowing or augmenting the same in manner aforesaid, his and  
 their heirs and assigns for ever; any law or statute to the contrary  
 notwithstanding.

long to bi-  
shops, deans,  
or dean and  
chapter, so  
appearing to  
be under or of  
30 l. *per ann.*

Augmenta-  
tion not to ex-  
ceed 70 l. *per  
ann.*

Person aug-  
menting by  
conveying  
lands, tythes,  
&c. to use of  
the incumbent  
and his suc-  
cessors, if with  
consent of bi-  
shop, &c. in-  
tituled to the  
advowson,

and the bi-  
shop, &c.  
shall convey  
the right to  
him and his  
heirs.

III. And be it further enacted by the authority aforesaid, That  
 where two or more persons shall join in or contribute to the en-  
 dowment or augmentation of any such benefice, living, or curacy  
 in manner aforesaid, such persons, their heirs and assigns respec-  
 tively, shall present or nominate to such benefice, living, or curacy,  
 by them endowed and augmented as aforesaid, by turns, in such  
 manner as in the deed of such augmentation or endowment shall  
 be mentioned.

Several join-  
ing in aug-  
mentation  
shall present  
by turns, as in  
the deed a-  
greed upon.

IV. And

A. D. 1727. IV. And whereas many pious and well disposed persons might be induced to erect and build chappels more commodious for themselves and families in large parishes, and to endow the same with a competent provision for a minister or curate to officiate therein, in case they were by law enabled so to do, and were to have the patronage, right of presentation, or nomination of or to such chappel, when built and endowed: be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons to allot and set apart any land not exceeding one plantation acre, and not less than two measured miles distant from the mother-church of the said parish; on which said land so set apart it shall and may be lawful to and for any person or persons, bodies politick and corporate, to erect and build a chappel, in which the liturgy and rites of the church of Ireland as by law established are to be used and observed, who shall first settle and assure lands, tenements, tythes, or hereditaments in fee-simple of the clear yearly value of thirty pounds *per annum*, or more, and not exceeding fifty pounds *per annum*, for a provision or maintenance for a curate to officiate in such chappel, and his successors for ever, as a perpetual endowment of such chappel.

Any one may allot 1 acre, not less than 2 miles from the mother church, for a chappel,

first settling lands, &c. of 30 l. *per ann.* and not less than 50 l. for the curate and his successors.

Several persons joining therein, shall nominate by turns, as in the deed.

Founders of such chappels patrons thereof,

named in deed of endowment.

Churches, curacies, or chappels, so

V. And be it further enacted by the authority aforesaid, That where two or more persons shall joyn in or contribute to the erecting and endowment of any chappel in pursuance of this act, such persons, their heirs and assigns respectively, shall nominate to such chappel, erected and endowed as aforesaid, by turns, in such manner and order as in the deed of such endowment shall be settled.

VI. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, who shall so erect and endow a chappel as aforesaid, shall from the time of such endowment be, and be esteemed in law, to be, true patron or patrons of such chappel, and the right of presentation or nomination thereto shall be, and is hereby from thenceforth for ever after, vested in such person or persons, bodies politick or corporate, their heirs and successors, who shall build and endow the same as aforesaid; and that such endowed chappel shall be for ever after called and known by such name, as the founder of such chappel shall in and by his deed of endowment direct and appoint.

VII. And whereas not only parsons and vicars, who come in by presentation or collation, institution or induction, but curates officiating in any church or chappel, where the liturgy and rites of the church of Ireland as by law established are or shall be used, will

will be intitled to have the benefit of such augmentations or endowments, some of which are not corporations, nor have a legal succession, and therefore are incapable of taking a grant or conveyance of such perpetual augmentations or endowments as aforesaid: be it enacted by the authority aforesaid, That all churches, curacies, or chappels, which shall at any time hereafter be augmented, erected, and endowed by virtue of this act, shall be, and are hereby declared and established to be, from the time of such augmentation or endowment perpetual cures and benefices; and the ministers duly admitted and instituted, or nominated and licensed thereunto, and their successors respectively, shall be, and shall be esteemed in law, bodies politic and corporate, and shall have perpetual succession by such name and names, as in the grant of such augmentation or endowment shall be mentioned, and shall have a legal capacity; and are hereby enabled, to take in perpetuity to them and their successors all such lands, tenements, tythes, and hereditaments; as shall be granted unto them respectively by virtue of this act; any law or statute to the contrary notwithstanding.

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Chap. 18.  
augmented or endowed, perpetual cures and benefices, and the ministers, bodies politic and corporate, with perpetual succession, and legal capacity to take in perpetuity.

VIII. And be it further enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and twenty eight it shall and may be lawful to and for all and every person and persons, bodies politic or corporate, their heirs or successors, having any estate of inheritance in fee-simple in their own right, or in right of their corporations or churches, of or in any lands, tythes, tenements, or hereditaments; at his, her, or their will and pleasure, by deed indented under seal to give, grant, and convey the same to any parson, vicar, or curate officiating in any such church or chapel, not exceeding the clear yearly value of seventy or fifty pounds *per annum* respectively as aforesaid, and his successors for ever, as a perpetual augmentation or endowment of such church or chapel; any law or statute to the contrary notwithstanding.

Persons having fee-simple may convey to parson or curate, not exceeding 70 l. or 50 l. *per annum* respectively, as perpetual augmentation.

IX. And to the end that the said archbishops, bishops, and other ecclesiastical persons and corporations aforesaid, may at all times be capable of granting their patronages, and right of presentation, or nomination to such small churches and chappels as aforesaid, and such churches and chappels be always capable of such augmentation and endowment; be it further enacted by the authority aforesaid; That all grants and conveyances, hereafter to be made by virtue of this act of the patronage, or right of presentation, or nomination to any such church or chapel, or of any lands, tenements, tythes, or hereditaments for the augmentation, erection, or endowment of any such church or chapel as aforesaid,

Conveyances good, whether the church or chapel vacant or full at the time.

A. D. said, shall be good and effectual in law to all intent and purposes, whether such church or chappel be vacant, or full of  
 1727. an incumbent, minister, or curate, at the time of such grant  
 Chap. 18. or conveyance.

but not  
 good without  
 consent of  
 trustees of first  
 fruits,  
 and the  
 deeds inrolled  
 in Chancery  
 in 6 months.

X. Provided always, That no deeds of grant for any augmentation, erection, or endowment, to be made in pursuance of this act shall be good and effectual in law without the consent of the said trustees or commissioners of the first fruits testified under their common seal, and unless such deeds be enrolled within six months from the date thereof in his Majesty's court of Chancery in this kingdom.

That design  
 of such aug-  
 mentation may  
 not be defeat-  
 ed,

XI. And whereas in many places it would be in the power of the impropiator, parson, or vicar, to withdraw the allowance now or heretofore paid to the curate or minister serving the cure, or, in case of a chappelry, the incumbent of the mother-church might refuse to employ a curate, or permit a minister duly nominated or licensed to officiate in such new erected or endowed chappel, and might officiate there himself, and take the benefit of the augmentation or endowment, though his living be not intended to have the benefit of such augmentation, and the design of such augmentation would thereby be defeated: for the better securing all augmentations and endowments which shall be made or given to any benefice, living, curacy or chappel in pursuance of this act; be it further enacted by the authority aforesaid, That the impropiators or patrons of any augmented churches or curacies for the time being, and their heirs and successors respectively, and the rectors and vicars of the mother-churches, to which any such augmented or endowed curacy or chappel doth appertain, and their successors, shall be and are hereby utterly excluded from having and receiving directly or indirectly any profit, or benefit by such augmentation or endowment, and shall from time to time, and at all times from and after such augmentation, allow to the ministers officiating in any such augmented or endowed church or chappel respectively such annual and other pensions, salaries, and allowances, which by ancient custom or otherwise of right, and not of bounty, ought to be by them respectively paid and allowed, and which they might by due course of law before the making of this act have been compelled to pay or allow to the respective ministers officiating therein.

Impropr-  
 iators or patrons  
 of augmented  
 churches or  
 curacies, and  
 the rectors or  
 vicars of the  
 mother-  
 churches, ex-  
 cluded from  
 any benefit by  
 the augmenta-  
 tion,

and shall al-  
 low to minis-  
 ters officiating  
 such annual  
 salaries, as  
 they ought by  
 right, not of  
 bounty.

Cure of  
 souls, with all  
 parochial  
 rights and du-  
 ties (augmen-  
 tation except-  
 ed) shall re-  
 main as be-  
 fore.

XII. Provided always, That no such rector or vicar of such mother-church, or any other ecclesiastical person or persons having cure of souls within the parish or place where such augmented or endowed church or chappel shall be situate, or his or their successors, shall hereby be divested or discharged from the same; but the cure of souls, with all other parochial rites and duties  
 (such

(such augmentation or endowment to the augmented or endowed church or chappel as aforefaid only excepted) shall hereafter be and remain in the same state, plight, and manner, as before the making this act, and as if this act had not been made.

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XIII. And be it further enacted by the authority aforefaid, That all churches and chappels augmented and endowed by virtue of the powers given by this act, and all ministers and curates officiating therein, shall be subject to the visitation and jurisdiction of the archbishop or bishop of the diocese, wherein such churches or chappels are, to all intents and purposes of law whatsoever.

Churches and chappels augmented subject to visitation.

XIV. And for continuing the succession in such augmented cures hereby made perpetual cures and benefices, and that the same may be duly and constantly served; be it enacted by the authority aforefaid, That in case such augmented or endowed cures be suffered to remain void by the space of six months, without any nomination within that time of a fit person to serve the same, by the person or persons having a right of nomination thereunto, to the archbishop, bishop, or other ordinary, within that time to be licenced for that purpose, the same shall lapse to the archbishop, bishop, or other ordinary, and from him to the metropolitan, and from the metropolitan to the crown, according to the course of law used in case of presentative livings and benefices; and the right of nomination to such augmented or endowed cure may be granted or recovered, and the incumbency thereof may and shall cease and be determined, in like manner, and by the like methods, as the presentation to or incumbency in any vicarage presentative may now be respectively granted, recovered, and determined; and moreover, in case the incumbent or minister of any such augmented or endowed church or chappel shall be absent from his cure for above the space of sixty one days in any one year without licence of the archbishop, bishop, or other ordinary first obtained for that purpose, such church or chappel shall from thenceforth be, and be esteemed in law, actually void, and such incumbent or minister be for ever after disabled to hold and enjoy the same.

and if void 6 months without nomination, the right lapses, as in presentative livings :

and in like manner granted, recovered, or determined.

and void by absence without licence 61 days in a year,

XV. Provided always, that no lapse shall incur, in case of such church or chappel becoming void by want of such residence of the incumbent as aforefaid, till six months after notice thereof in writing given by the bishop or other ordinary to the person or persons having right of nomination to the same.

but no lapse thereby till 6 months after notice in writing by the ordinary.

XVI. Provided also, that in case the person or persons intituled to nominate to such augmented or endowed cures shall suffer a lapse to incur, but shall after present or nominate to the same before any advantage taken thereof by the ordinary, metropolitan, or crown respectively,

Nomination by patron before advantage taken of lapse, as effectual as if in 6 months, tho' lapsed to the crown.

A. D. 1717. respectively, such presentation or nomination shall be as effectual as if made within six months, although so much time be before elapsed, as that the title by lapse be vested in the crown.

**XVII.** And whereas the archbishops, bishops, deans, deans and chapters, archdeacons, prebendaries, and other dignitaries, ecclesiastical persons, vicars, masters, or governors, and fellows of colleges, and masters, guardians, or other governors of hospitals in this kingdom, are seized of several woods, the profits of which are reserved to themselves in the leases made of the lands, whereon the said woods do grow; which woods are of very little advantage to themselves or the country, by reason they lie unclosed and exposed to the cattle, and must continue so to do, except by agreement made between them and their tenants; which agreement they are not now by law empowered to make, so as to be binding on their successors: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for every archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, and other dignitary, ecclesiastical person, vicar, master, or governor, and fellows of any college, master, guardian, or other governor of any hospital in this kingdom and their successors, to enter into any contract and agreement with any tenant to allow such tenant for his charge and care in inclosing and preserving any wood, not being timber, and being at the time of the said agreement unclosed, any part or proportion of the value thereof, not exceeding a third part of what such wood shall be sold for at the time of cutting it down; and that all and every such agreement or agreements, contract or contracts, so made and entered into, shall be binding and obligatory on the successor and successors of every such archbishop, and bishop, and other bodies corporate before named.

**XVIII.** Provided that if the tenant, who hath inclosed or preserved the wood, shall not be suffered or willing to renew his lease, but it shall by any means run out, before such tenant hath had the benefit of such contract or agreement, that then the said tenant shall receive of the person or persons, to whom the freehold upon the determination of such lease shall belong respectively, the third part of the real value of such wood at the time of his leaving the same.

**XIX.** Saving always and reserving to the King's most excellent Majesty, his heirs and successors, and all and every person and persons, bodies politick and corporate, their heirs and successors respectively, other than and except the archbishops, bishops, deans, and deans and chapters, who shall in pursuance of this act convey or make over the advowsons, presentations, or nominations, of or to such endowed or augmented benefices, livings, or curacies, and their successors, or the grantors of any lands, tenements,

Bishops, ecclesiastical persons, governors of colleges or hospitals, may contract with tenants to allow for inclosing and preserving woods, not being timber,

not exceeding a third of the money by sale,

such contract binding on successors.

If lease runs out before tenant receives the benefit, he shall receive from owner of the freehold a third of the value at the time.

Saving the right of the King and others, except the persons augmenting or endowing.

ments, tythes, or hereditaments for such augmentation or endowment, their heirs, executors, administrators, or assigns, all such right, title, and interest, which they or any of them might or could have, claim, or demand to the advowson or patronage of such endowed or augmented benefice, living, or curacy, if this act had not been made; any thing herein before contained to the contrary notwithstanding.

A. D.  
1727.

C H A P. XIX.

*An act for repealing a clause in an act, intituled, [An act for real union and division of parishes;] and for settling the method of obtaining the King's Majesty's consent for removing the situation of churches, the patronage whereof is in the crown.*

WHEREAS in the fourteenth and fifteenth years of the reign of King Charles the second an act of Parliament was made in this kingdom of Ireland, intituled, *An act for real union and division of parishes, and concerning churches, free-schools, and exchanges*; in pursuance of which act divers unions of parishes were made, which by reason of the increase of protestant inhabitants within such parishes, or upon other accounts, are now found to be altogether inconvenient: and whereas in the second year of the reign of King George the first of glorious memory an act of Parliament was also made, intituled, *An act for real union and division of parishes*; which last mentioned act, by an act made in the tenth year of the reign of his said late Majesty King George the first, intituled, *An act for explaining and amending an act, intituled, an act for real union and division of parishes, and for confirming an exchange made of a piece of ground, whereon the parish-church and vicarage house of the parish of St. Anne in the suburbs of the city of Dublin was by a former act of Parliament directed to be built, for another piece of ground, and for appropriating such other piece of ground to the same uses*, has since been continued with such alterations and additions, as in the said last mentioned act are expressed, for ten years from the second day of February one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament: and whereas in the said last mentioned act made in the second year of the reign of his said late Majesty there is a clause inserted in the following words, *viz.* “Pro-  
“vided always, that no union formerly made pursuant to the be-  
“fore mentioned act, made in the fourteenth and fifteenth years  
“of the reign of King Charles the second, of any parishes not  
“lying within cities or towns corporate, shall be capable of be-  
“ing dissolved, nor any of the said united parishes, or any part  
“thereof,

14 & 15  
C. 2. 10.

Unions pur-  
suant thereto  
inconvenient:

2 G. 1. 14.

10 G. 1. 6.

Clause in 2.  
G. 1. 14.  
Sec. 12.  
repealed.

A. D. 1727. Chap. 19. " thereof, shall be liable to be united to or made part of any other united parish by virtue of this act, unless the parish-church of such united parish doth lye three country miles distant from some part of such united parish, or that the church of such united parish shall not be large enough to contain the protestant parishioners usually resorting to such parish-church ;" by reason of which clause, and of the uncertainty of the measure of three country miles therein mentioned, divers unions and divisions of parishes, which otherwise would be highly convenient for promoting the publick worship of God, are totally obstructed: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said clause, and every thing therein contained, shall from henceforth be and is hereby repealed and made void; and that every such united parish shall be liable and subject to the like division and under the same conditions and limitations as any other parish within this kingdom; any thing in the said clause to the contrary notwithstanding.

Inconvenient situation of churches:

by 2 G. 1. 14. Sec. 3. consent of patron necessary to new building a church:

Where the King patron, chief governors consent to building a

II. And whereas in many parishes within this kingdom the respective parish-churches are so incommodiously situated, as that the greater number of the parishioners cannot without manifest inconveniencies repair thereto for the publick worship of God: and whereas by the aforementioned act passed in the second year of the reign of his late Majesty King George the first, it was amongst other things enacted, " That it should be lawful for the chief governor or governors of this kingdom for the time being, with the assent of the major part of the privy-council assembled in council, fix at least consenting, under certain limitations in the said act mentioned to direct and order new churches to be built in more convenient places," as by the said act may more at large appear: and whereas by the said act it is amongst other things required, That the consent of the patron or patrons shall be first had, before any order can be made for the building or erecting any new church: and whereas the King's most excellent Majesty is patron of many parish-churches in this kingdom, and the method of obtaining his royal consent for the purposes aforesaid by letters patents under the great seal of this kingdom is found to be very tedious and expensive, so that the parishioners of those parishes, the churches whereof are in the patronage of the crown, are not likely to receive the benefit intended by the forementioned act: be it therefore further enacted by the authority aforesaid, That where any parish-church is either the corps or part of the corps of any deanery, or other ecclesiastical



real dignity or prebend, the patronage whereof belongs to the crown, or where any parish-church whatsoever is in the immediate patronage of the King's most excellent Majesty, and it shall be found necessary for the ease and benefit of the parishioners of such parish, that a new parish-church should according to the aforementioned act, made in the second year of the reign of his said late Majesty, be built within the same, the consent of the lord lieutenant or other chief governor or governors of this kingdom for the time being to the building of such church, signified in writing under his or their respective hands and seals, and enrolled in the high court of Chancery within six months after the date thereof, shall to all intents and purposes be as good and valid in law, as if the consent of his Majesty, his heirs or successors, thereto were signified by letters patents under the great seal; any thing in the said act, or in any other act to the contrary notwithstanding.

A. D.  
1727.  
new church as  
by 2 G. 1.  
14. under  
hand and seal,  
inrolled in  
Chancery in 6  
months, as va-  
lid as if by  
letters patent.  
10 G. 1. 6.

C H A P. XX.

*An act for regulating the admissions of barristers at law, six clerks, and attornies, and of other persons, into offices and employments; and for preventing papists practising as solicitors; and for further strenghtening the protestant interest in this kingdom.*

FOR the better regulating the admissions of barristers at law, six clerks, and attornies, and of other persons, into offices and employments, and for preventing papists practising as solicitors; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That every person, who from and after the first day of August one thousand seven hundred and twenty eight shall apply to be called to the bar, or to be admitted a six clerk, or attorney, or shall take upon him to practise as a solicitor, or to act as an officer, or deputy officer, in any of his Majesty's courts of law or equity, shall before such application, or taking on them to practise or act as aforesaid, take and subscribe the several oaths, and repeat and subscribe the declaration, mentioned and appointed in and by an act made in the second year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the further growth of popery*; and that every person converted from the popish to the protestant religion, or born of a popish parent or parents, who from and after the said first day of August one thousand seven hundred and twenty eight shall apply to be called to the bar, or to be admitted a six clerk,

Barristers,  
six clerks, at-  
tornies, solici-  
tors, officers  
in the courts,  
shall first take  
the oaths, &c.  
2 Anne 6.  
6 Anne 6.  
7 G. 2. 5.

Convert,  
or born of po-  
pish parent,  
shall also first  
prove before  
lord chancel-  
lor, &c. his  
or continuing a

**A. D.** or attorney, or shall take upon him to practise as a solicitor, or to act as an officer or deputy officer as aforesaid, shall upon such application, or before taking on him to act or practise as aforesaid, prove before the lord chancellor, or the commissioners of the great seal, the two chief justices, the chief baron, the justices of the one bench and of the other, and the barons of his Majesty's court of Exchequer in Ireland for the time being, or any two or more of them (of which the lord chancellor, or one of the commissioners of the great seal, or one of the said chief justices, or the chief baron for the time being shall be one) by sufficient witness or witnesses upon oath, which they or any two of them are hereby authorized to administer, that such person has professed himself and continued to be a protestant for the space of two years immediately before the time of making such proof.

**II.** And be it further enacted by the authority aforesaid, That every person, who after the first day of August aforesaid shall be called to the bar, or admitted a fix clerk, or attorney, or who shall practise as a solicitor, or shall act as an officer or deputy officer as aforesaid, who is or shall be converted from the popish to the protestant religion, shall educate, or cause to be educated, in the protestant religion according to the church of Ireland as by law established all and every his or their child or children, who at the time of his or their admission, practising, or officiating respectively as aforesaid, shall be under the age of fourteen years, or shall be born after such time; and that all and every person or persons whatsoever, who now is or shall hereafter be converted from the popish to the protestant religion, shall in like manner educate, or cause to be educated, all and every his, her, or their child or children, who at the said first day of August, or at the time of their respective conversion, if such conversion shall be after the said first day of August, shall be under the age of fourteen years, or who shall be born after.

**III.** And be it further enacted by the authority aforesaid, That if any person or persons, who now is, are, or hereafter shall be converted from the popish to the protestant religion, shall after the said first day of August, or after the time of his, her, or their conversion (if such conversion shall be after the said first day of August) educate, or knowingly and willingly permit or suffer his, her, or their child or children to be educated, in the popish religion, then and in such case every such person or persons offending herein shall be subject and liable to all such disabilities and incapacities, as persons professing the popish religion are subject and liable unto by the laws and statutes of this realm.

**IV.** Provided

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the said first day of August no person whatsoever shall be capable of acting as a sub-sheriff or sheriff's-clerk, who shall not have been a protestant for five years immediately before such his acting according to the intent and meaning of this act; and that all and every person or persons offending herein shall be subject to such disabilities and incapacities, as persons professing the popish religion are subject and liable unto by the laws and statutes of this realm.

A. D. 1727.

None to act as sub-sheriff or clerk, not a protestant 5 years before,

6 Anne 6.

V. Provided, That nothing herein contained shall extend to any solicitor, who has heretofore been allowed to be comprehended within the articles of Limerick or Gallway.

not to extend to solicitors within articles of Limerick or Gallway.

VI. And be it further enacted by the authority aforesaid, That if any protestant, or person professing himself to be a protestant, shall from and after the first day of August educate, or knowingly and willingly permit or suffer his child or children, or any of them (not already a papist, and above the age of fourteen years) to be educated, in the popish religion, such protestant, or person professing himself to be a protestant, shall from thenceforth be subject and liable to such incapacities and disabilities, as persons professing the popish religion are by law made subject to.

10 W. 3. 13. 6 Anne 6. Protestants willingly permitting children (not already papists and above 14) to be educated papists, subject to disabilities as papists.

C H A P. XXI.

*An Act for preventing combinations to enhance the prices, and for avoiding exactions and abuses formerly practised in the sale and measure of coals.*

FOR preventing combinations to enhance the prices of coals and frauds or abuses in the measure thereof; be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That if any person or persons, bodies politick or corporate, shall from and after the first day of June one thousand seven hundred and twenty eight enter into any unlawful combination or agreement for enhancing the prices of coals, such person or persons, being thereof lawfully convicted on any information or indictment, shall for every such offence forfeit the sum of fifty pounds; to be recovered in his Majesty's court of King's Bench, Common Pleas, or Exchequer, by information or action of debt; one moiety of the forfeiture to go to the person or

4 Anne 8. 6 G. 1. 2. 31 G. 2. 15. 1 G. 3. 10. Penalty of combination to enhance price of coals, 50 l. to the poor and informer.

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persons,

A. D. persons, who shall sue for the same, and the other moiety thereof to the minister and church-wardens of the respective parishes, 1727. Chap. 21. wherein such offence shall be committed, for the use of the poor of the said parish, to be accounted for by such person or persons, who shall recover the same, in the same manner as money raised and levied for the use of the poor of such parish or parishes are to be accounted for by the laws in this kingdom; in which information or action no protection, essoin, or wager of law shall be allowed.

II. And be it further enacted by authority aforesaid, That from and after the first day of June one thousand seven hundred and twenty eight no person or persons whatsoever retailing coals shall keep for measuring any sort of coal, commonly called sea-coal, brought into any harbour or port of this kingdom, any half barrel, bushel, half bushel, peck, or half peck, but such as are of the following dimensions, and contain the following quantities, and shall be sealed by the clerk of the respective markets: (*viz.*) every half barrel shall be twenty four inches diameter in the bottom, and twenty five inches and a half in the top at least, and contain twenty gallons Winchester measure; that every bushel be twenty inches diameter in the bottom, and twenty one inches in the top at least, and contain ten gallons of the like measure; that every half bushel be fifteen inches diameter in the bottom, and sixteen inches in the top at least, and contain five gallons of the like measure; that every peck be eleven inches diameter in the bottom, and twelve inches in the top at least, and contain two gallons and a half of the like measure; that every half peck be ten inches and a half diameter in the bottom, and eleven inches and a half in the top at least, and contain one gallon and a quarter of the like measure; upon pain of forfeiture of all the coals which shall be otherwise sold or exposed to sale by any retailer of coals, and also double the value thereof, to be recovered by any person or persons before the chief magistrate or magistrates of such city or town corporate, where such coals shall be brought in and imported; who are hereby empowered and required to call the parties before them, and to hear and examine such complaints upon oath, and to administer such oath, and upon due proof thereof made to his or their satisfaction to convict the offenders, and to give warrant under his or their hand and seal or hands and seals for levying the forfeitures accordingly; the one moiety thereof to be to and for the use of the person or persons so prosecuting or complaining, and the other moiety to and for the use of the poor of the parish where such offence shall be committed.

III. Provided,

Retailers of sea coal imported shall keep only the measures following, sealed by clerk of market,

6 G. I. 2.  
Half barrel 34 inches diameter at bottom, and 25 and a half at top, and 20 gallons Winchester: bushel, half bushel,

peck,

half peck:

Coals sold otherwise forfeited, and double value, before C. magistrate, to the poor and informer.

III. Provided, That no information, action, or suit shall be commenced for or by reason of any forfeiture or penalty incurred by any offence contrary to this act, unless the same be commenced within the space of six months next after such offence shall be committed.

A. D.

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Prosecution in 6 months.

IV. And be it further enacted by the authority aforesaid; That if any action, suit, plaint, or information, shall be commenced or prosecuted against any person or persons for any thing by him or them done in pursuance or in execution of this act, such person or persons, so sued in any court whatsoever, shall and may plead the general issue, and upon any issue joyned may give this act, and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer any discontinuance; or if a verdict or judgment upon demurrer shall pass against such plaintiff or prosecutor, the said defendant or defendants shall recover his or their treble costs; for which he or they shall have the like remedy, as in cases where costs by law are given to the defendant.

Persons sued for acting may plead general issue and have treble costs on nonsuit, &c.

C H A P. XXII.

*An Act for explaining and amending an act, intituled, An act for the better maintenance of curates within the church of Ireland.*

WHEREAS some doubts have arisen upon an act made in the sixth year of his late Majesty's reign, intituled, *An act for the better maintenance of curates within the church of Ireland*; whether provision be thereby made for the appointing and securing a sufficient certain stipend or allowance for any curates to any beneficed clergymen, other than for the curates of such rectors and vicars, who having actual cure of souls shall be absent from their livings: and whereas many parishes in this kingdom by reason of the largeness of their extent, or the increase of the buildings and inhabitants therein, are severally found to be too great a cure to be discharged by one single minister resident upon his living, whereupon it is usual for the incumbents of such parishes respectively to be assisted by a curate or curates, duly nominated and licensed for that purpose; and it is reasonable that such curates, as well as others, should be provided with and assured of a competent maintenance: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament

6 G. 1. 13. Doubts

whether provision thereby made except for curates in absence of incumbent from their livings:

reasonable to extend it.

Bishops at time of licensing any curates, &c. to assist incumbents may ap-

A. D. 1727. ment assembled, and by the authority of the same, That it shall and may be lawful to and for every archbishop and bishop respectively at the time of his licensing any curate, or any person in holy orders by any other title or denomination whatsoever, to assist the incumbent of any such parish, by whom he shall be nominated and presented to such archbishop or bishop for that purpose, by writing under his hand and seal, to appoint a sufficient certain stipend or allowance not exceeding fifty pounds *per annum*, nor less than ten pounds *per annum*, to be paid or answered at such times as he shall think fit by such incumbent to every such curate, or other person in holy orders by any other title or denomination whatsoever, respectively so nominated and licensed as aforesaid, for his support and maintenance : and if it shall appear at any time to any archbishop or bishop, or other ordinary of any diocese within this kingdom, upon complaint or otherwise that any such curate or person heretofore licensed, or hereafter to be licensed, to assist the incumbent of any parish within the diocese, hath not a sufficient maintenance, it shall and may be lawful for the said archbishop or bishop, or ordinary, upon summoning the parties concerned to appear before him, and hearing them in case they shall appear, or in default of appearance of them or either of them, to appoint to every such curate or assistant respectively a sufficient certain stipend or allowance in like manner as before is mentioned ; and in case any difference shall arise between any rector, vicar, or other incumbent, and his curate or curates, assistant or assistants, touching such stipend or allowance, or the payment thereof, the archbishop or bishop, or ordinary, upon complaint to him made shall summarily hear and determine the same, and, in case of neglect or refusal to pay such stipend or allowance, may sequester the profits of the benefice for and until payment thereof.

point allowance, not above 50 l. nor less than 10 l. *per ann.* payable by incumbent :

if a curate appears to ordinary not to have sufficient maintenance, may on summoning and hearing the parties appoint such certain allowance ;

and summarily determine differences, 12 Anne 12. stat. 2. Eng. and sequester benefice for non-payment.

Recital of 6 G. 1. 13. Sec. 3.

II. And whereas by the act before recited it is amongst other things enacted, “ That in parishes of great extent it shall and “ may be lawful for the archbishop or bishop of any diocese, “ wherein such parishes are situate, or for the inhabitants of such “ parishes, with the consent of the archbishop or bishop of the “ said diocese, to erect or cause to be erected one chappel of ease, “ or two chappels of ease, if any great number of inhabitants must “ otherwise be more than six miles from their place of publick “ worship, for which chappel or chappels, when so erected and set “ apart for divine worship, the incumbent of the parish is obliged “ to find from time to time a sufficient curate or curates, and to “ support him or them by such ways, and in such manner, as “ by the said act is directed and appointed :” and whereas the inhabitants

inhabitants of large parishes, who are five miles or more distant from their parish-church, cannot without manifest inconvenience resort to the same; by reason whereof great numbers of families in several parts of this kingdom do seldom attend the service of God in any place of publick worship: for remedy of which mischief be it enacted by the authority aforesaid, That in any parish within this kingdom, where a great number of inhabitants do reside at the distance of five measured miles or more from their place of publick worship, computing each mile at one thousand seven hundred and sixty yards, to be admeasured along the ordinary horse road leading to such place of publick worship, it shall and may be lawful to and for the archbishop or bishop of the diocese, wherein such parish is situate, by and with the consent of the majority of the protestant inhabitants of the said parish, who are of the church of Ireland as by law established, and who do not reside within three such miles as aforesaid of the old parish-church, or place where divine service is and has been usually performed for the said parish, nor within two such miles of any other church or chappel where divine service is performed according to the usage of the church of Ireland, but who do reside within three such miles as aforesaid of the place where such chappel is to be built, signified under their hands, to erect or cause to be erected one chappel of ease, or two chappels of ease within the said parish; and that such chappels, when erected and set apart for publick worship, and also such as are already erected and set apart for publick worship, and are conveniently situate for the use of the inhabitants of that parish, shall be supplied from time to time with sufficient curates; which curates shall be appointed, admitted, approved, maintained, and supported by such persons, in such manner, and by such ways and means, as in and by the said recited act are prescribed and directed for the appointment, admission, approbation, maintenance, and support of curates.

A. D.  
1727.  
Chap. 22.

where many parishioners reside 5 measured miles from church, bishop with consent of majority of protestants not residing within 3 miles of the church, or 2 of any other, but within 3 of the place where a chapel to be built, may erect 1 or 2 chappels of ease;

to be supplied with curates, as by 6. G. 1. 13.

III. And whereas several parishes in the city of Dublin, and in other cities and towns corporate in this kingdom, by the increase of buildings and inhabitants are become respectively too great a cure, and the churches belonging to such parishes respectively cannot afford accommodation for great numbers of the protestant inhabitants to hear divine service and perform religious duties: for remedy whereof be it further enacted by the authority aforesaid, That in any parish within the city of Dublin, or the liberties thereof, or the liberties thereunto adjoyning, or within any other city or town corporate in this kingdom, where any great number of protestant inhabitants are or shall be excluded from the parochial-church for want of room and accommodation during the celebration of divine service therein, it shall and

In cities and towns corporate, where many parishioners excluded from the church for want of accommodation, the bishop as aforesaid with

A. D. 1727. Chap. 22. may be lawful to and for the archbishop or bishop of the diocess, wherein such parish is situate, by and with the consent of the protestant inhabitants of the said parish, who are of the church of Ireland as by law established, or the major part of them, in vestry assembled, to erect or cause to be erected one chappel of ease or two chappels of ease within the said parish; and that each and every such chappel or chappels, when erected and set apart for publick worship, shall be supplied from time to time with a sufficient curate or curates; which curate or curates shall be appointed, admitted, approved, maintained, and supported by such persons, in such manner, and by such ways and means, as in and by the said recited act are prescribed and directed for the appointment, admission, approbation, maintenance, and support of curates.

such chapels repaired, &c. at charge of all the parishioners,

by such rates or means as the parish church,

or by annual rents on the pews, by the bishop with consent at vestry,

paid to church-wardens, &c.

collected as minister's money, or parish cesses, and applied in repair, &c. of such chapels.

IV. And be it further enacted by the authority aforesaid, That all and every such chappel and chappels, which shall hereafter be erected and set apart for publick worship by virtue of this or any former act, or that have already been erected and set apart for publick worship, and are conveniently situate for the use of the inhabitants, shall be kept from time to time in good repair, and provided with all things necessary and commodious for the celebration of divine service therein, at the charge of the parishioners of the whole parish, wherein such chappel or chappels have been or shall be erected and set apart as aforesaid, by such rates or other ways or means as the parish-church ought to be kept in repair, or else by certain annual rents to be set on the pews or seats of such chappel or chappels by the archbishop or bishop of the diocess with the consent of the incumbent of such parish, and the major part of such parishioners thereof as aforesaid assembled at a vestry duly appointed for that purpose; which rates or annual rents, being so made and ascertained, shall be paid to the church-wardens of such parish, or either of them, or to any person or persons by them appointed, and approved of by the archbishop or bishop of the diocess for that purpose; and all such church-wardens, and each of them, and every person or persons by them appointed and approved of as aforesaid, shall have full power and authority to ask, demand, receive, distrain for, and recover all such rates or annual rents at such times, by such ways and means, and under such penalties, as ministers-money, church-rates, or parish-cesses usually are or may be collected and recovered by any law or statute of this realm; and the money arising by such rates or annual rents shall be applied by such church-wardens in repairing such chappel or chappels, and providing all things necessary and commodious for the celebration of divine service therein, and to no other use or purpose whatsoever.

C H A P.



*An act for the better securing the rights of advowson and presentation to ecclesiastical benefices.*

WHEREAS proceedings upon writs of *quare impedit* are subject to great delays and vexations by reason of essoins allowed in such writs: and whereas many persons have not only made usurpations upon rightful patrons, but also have protracted and given unreasonable delays in suits commenced for the recovery of usurped presentations, being encouraged thereto by the receipt of the mesne profits of such benefice pending such suits: for remedy whereof be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, That from and after the end of this session of Parliament no more than one essoign shall be cast or allowed on any writ of *quare impedit*: but the defendant or defendants being duly summoned to appear upon the day mentioned in the writ, and the defendant or defendants not appearing by him or themselves, or by his or their attorney or attorneys, an attachment shall immediately issue, and at the return of the said attachment the grand distrefs in order to compel the defendant or defendants to appear.

6 G. I. II.

Delays in *quare impedit* by essoins, &c.

One essoign only allowed on *quare impedit*.

On defendants not appearing, attachment: and at the return, Grand Distress.

II. And be it further enacted by the authority aforesaid, That in all cases where the King's Majesty, his heirs or successors, or any other patron or patrons, shall recover in any action of *quare impedit*, after such recovery it shall and may be lawful to and for the clerk of the King, his heirs or successors, and for the clerk of such patron and patrons, so recovering, and for the executors and administrators of such clerks, to prefer his or their bill or bills in the high court of Chancery, or in the court of Exchequer, against the clerk defendant in the said *quare impedit*, whether of the King's presentation, or of the presentation or collation of any other person, his executors and administrators, for an account of the profits of the benefice so recovered from the time the defendants in *quare impedit* shall be returned to have been summoned to appear in the said suit, on which such recovery shall be had; and the said high court of Chancery and court of Exchequer shall decree a reasonable value of the said profits against such clerk defendant, his executors and administrators, unless the clerk defendant, his executors and administrators, shall before such suit voluntarily make oath in writing before the ordinary of the diocese, and have decree, unless affidavit by clerk defendant before ordinary of what he made *bona fide*, and offer to account, and payment,

Clerk of patron recovering may bring a bill for account of profits from summons in *quare impedit*.

and have decree, unless affidavit by clerk defendant before ordinary of what he made *bona fide*, and offer to account, and payment,

A. D. diocesis (which oath the ordinary is hereby required to administer) 1727. in which such living shall lye, what he set the same for, or made Chap. 23. thereof *bona fide*, and shall offer to account for the same accordingly, and make payment; in which case the clerk of the party recovering shall be concluded by such oath, and receive the mesne profits accordingly, subject to the allowances and deductions in this act contained.

which shall conclude plaintiff.

Not to extend to profits incurred before 29 September 1719.

III. Provided always, That nothing herein contained shall intitle the clerk of any person so recovering to any of the profits of the benefice so recovered, which incurred before the twenty ninth day of September in the year of our Lord one thousand seven hundred and nineteen.

On affirmation of judgment on demurrer, clerk defendant in *quare impedit* accountable from the judgment.

IV. Provided always, That where judgment shall be given upon demurrer, and the defendant or defendants in *quare impedit* shall not acquiesce in the said judgment, but shall bring a writ or writs of error to another court, in such case the clerk defendant in the said *quare impedit* shall upon affirmation of the judgment in that court, where such writ of error is brought, be accountable in the manner aforesaid to the clerk of the plaintiff in *quare impedit* for all the profits of such benefice or benefices, so recovered, from the time of the obtaining of the said judgment upon demurrer.

Ordinary during contest may allow 60 l. per annum,

V. Provided always, That it shall and may be lawful for the bishop or ordinary of the diocesis, where such benefice doth lye, or for the guardian or guardians of the spiritualities, to allocate or allow by any writing under his or their hands and seals yearly and every year, during the time that such benefices shall be contested, any sum or sums of money not exceeding sixty pounds *per annum*, except where there was or were one or more curate or curates ordinarily employed in the parish before the vacancy, in which case the bishop may make a reasonable allowance for every such curate: provided such allowance to every such curate does not exceed the sum of thirty pounds *per annum*, if such curate shall be licenced, and actually employed in such cure during the suit, unless the third part of the annual profits of such benefice shall exceed that sum; in which case it may be lawful for the ordinary to allocate or allow any sum not exceeding the third part of the annual profits of such benefice, and so proportionably for every less space of time; to be paid to such clerk defendant having actual cure of souls, and serving the said cure by himself, or his curate thereunto lawfully licenced by the bishop or ordinary of the diocesis, or to such other curate who shall be duly appointed to serve the cure thereof in case of vacancy and sequestration; which said allocation and service of the cure

unless where curates employed before vacancy, and then reasonable allowance:

not above 30 l. per ann. each, if licenced and actually serving; or any sum not exceeding the third of the annual profits; paid to clerk defendant serving, or to the curate; and on certificate allowed in the account of profits.

cure, being certified under the hand and seal of the said bishop or ordinary, or guardian or guardians of the spiritualities, such sum or sums of money shall be allowed in the aforesaid account of the said profits. A. D. 1727. Chap. 23.

VI. And forasmuch as the pleading in writs of right of advowson and of *quare impedit* is found very difficult, whereby many patrons are either defeated of the right of presentation, or put to great charge and trouble to recover their right; which is occasioned by the law, as it now is: for remedy whereof be it enacted by the authority aforesaid, That no usurpation upon any avoidance, which may happen from and after the first day of May one thousand seven hundred and twenty eight in any church, vicarage, or other ecclesiastical promotion, shall displace the estate or interest of any person intitled to the advowson or patronage thereof, or turn it to a right; but he or she, that would have a right, if no usurpation had been, may present or maintain his or her *quare impedit* upon the next or any other avoidance, if disturbed, notwithstanding such usurpations. 7 Anne 18. Eng. Usurpation shall not displace the estate of patron, or turn it to a right; but he may present, or maintain *quare impedit* next avoidance.

VII. And if coparceners, or joint-tenants, or tenants in common, be seized of any estate of inheritance in the advowson of any church, or vicarage, or other ecclesiastical promotion, and a partition is or shall be made between them to present by turns, that thereupon every one shall be taken and adjudged to be seized of his or her separate part of the advowson, to present in his or her turn; as if there be two, and they make such partition, each shall be said to be seized, the one of the one moiety to present in the first turn, the other of the other moiety to present in the second turn; in like manner, if there be three, four, or more, every one shall be said to be seized of his or her part, and to present in his or her turn. Coparceners, jointtenants, or in common, in a advowson, on partition to present by turns, each seized of a separate part, and to present in turn.

VIII. Provided always, That this act shall continue and be of force for seven years, and to the end of the next session of Parliament after the expiration of the said term of seven years, and no longer. Continuance 7 years, &c. continued 7 G. 2, 7. perpetual 13 G. 2. 4.

A. D.

1727.

## C H A P. XXIV.

*An Act for preventing the embezzling of goods under the value of forty shillings by servants; and the malicious destruction of engines and other things belonging to mines.*

33 H. 8. 5.  
sess. 1.  
2 G. 1. 17.

Servants of  
tradesmen,  
husbandmen,  
dealers in  
mines, iron  
and other  
works intrust-  
ed with mas-  
ter's goods,  
tools, &c.  
embezzling  
the same, or  
coals, ore,  
timber, &c.  
above 5 and  
under 40s.  
or consenting  
thereto or  
conniving,  
shall be sent to  
house of cor-  
rection, and  
whipt next  
market-day,  
on conviction  
on oath of 1  
witness.

WHEREAS a good law has been made in this kingdom in the reign of King Henry the eighth to prevent servants of noblemen and others from unlawfully taking away or embezzling the caskets, jewels, or money, or other goods of their masters or mistresses committed to their keeping, of the value of forty shillings or above; which said law has been found useful and beneficial: but the servants of tradesmen, artificers, husbandmen, and dealers in iron-works, mines, and other works, who are intrusted with their masters goods, tools, utensils, and other things under the value of forty shillings, do, notwithstanding the good laws now in force in this kingdom, daily purloin or embezzle their masters goods, tools, and utensils, committed to their charge or keeping, and consent or connive at the stealing and embezzling the same by others, and are encouraged thereto by the difficulty of bringing them to punishment for their said offences: be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That if such person or persons shall from and after the first day of May one thousand seven hundred and twenty eight purloin, embezzle, or consent to, or connive at, the unlawful taking and carrying away or embezzling any wares, goods, tools, used in trade, or utensils belonging to his, her, or their master or mistress above the value of five shillings, and under the value of forty shillings, or if such person or persons shall purloin, or embezzle, or consent to, or connive at the unlawful taking and carrying away or embezzling any coals, mineral, or ore, which shall be raised or taken out of any mine or pit, or any timber, iron-tools, or materials whatsoever, above the value of five shillings, and under the value of forty shillings, which shall belong to, or be made use of in working, such mine or mines, and shall be thereof convicted upon oath of one or more credible witness or witnesses before any one or more of his Majesty's justices of the peace for the county, where such offence shall be committed, such justice or justices of the peace shall commit such offender or offenders to the house of correction, and

and shall order such offender or offenders to be publickly whipt **A. D.**  
 at the next market on the next market-day after such conviction; and the constable of such market-town is impowered and **1727.**  
 required to execute such order, and to whip such offender se- **Chap. 24.**  
 verely on pain of twenty shillings, to be levied by order of the **Penalty 20s.**  
 same justice or justices by distress and sale of the goods of the **on constable**  
 said constable, and to be paid to the use of the church-wardens, **not whipping**  
 and be applied to the poor of the parish where such market- **severely,**  
 town is: and if such person or persons shall again offend in the **to the poor.**  
 premises, and shall thereof be convicted as aforesaid, such per- **Offenders a**  
 son or persons shall be sent to the house of correction, and be **second time**  
 there kept to hard labour for three months, and at the end there- **shall be kept**  
 of be also publickly whipt as aforesaid, or if such offender or **there three**  
 offenders be of sufficient ability, and can and will pay to the **months, and**  
 person injured treble the value of what shall be so purloined, em- **whipt, or pay**  
 bezzled, or stolen, which said treble value is to be ascertained by **treble value to**  
 such justice or justices of the peace, before whom such person or **the party,**  
 persons shall be so convicted, then and in such case the person **ascertained**  
 or persons so offending, and making such satisfaction as aforesaid, **by the justice,**  
 shall be discharged from such corporal punishment. **before whom**  
**convicted.**

II. And be it further enacted by the authority aforesaid, That **Any one**  
 it shall and may be lawful to and for any person or persons, hav- **with warrant**  
 ing a warrant for that purpose under the hands and seals of any **of 2 justices**  
 two or more of his Majesty's justices of the peace, to enter in- **may enter and**  
 to and search in all suspected places for any such ore, coals, mi- **search places**  
 neral, or timber, purloined, embezzled, or unlawfully taken **suspected,**  
 away as aforesaid; and if such person or persons shall find any **and if ore,**  
 such ore, coals, mineral, or timber as aforesaid, to the value of **£c. of 5 s.**  
 five shillings, in the house or possession of any person or persons, **value, found**  
 being a day-labourer or collier, or of any other person employed **in possession of**  
 in the raising or working of such ore, coals, or minerals, he or **a labourer,**  
 they so finding the same shall and may bring such person or per- **collier, or per-**  
 sons, in whose houses or possessions such ore, coals, mineral, or **son employed,**  
 timber, to the value aforesaid, shall be found, before any two or **he may be**  
 more justices of the peace of the said county, where such ore, **brought before**  
 coals, mineral, or timber shall be found; and if such person or **2 justices,**  
 persons shall not make proof to the satisfaction of such two or **and not**  
 more justices of the peace; that such ore, coals, mineral, or **proving it ho-**  
 timber; was or were honestly bought or acquired by him or **nestly ac-**  
 them, the person or persons, in whose custody such ore, coals, **quired, shall**  
 mineral, or timber shall be found, shall stand convicted, and be **stand con-**  
 liable to the penalty or penalties hereby provided against those, **vinced.**  
 who shall or may be convicted by the oath of one or more cre-  
 dible witnesses or witnesses as aforesaid.

III. And

A. D. 1727. III. And be it further enacted, That if any person or persons shall wilfully and maliciously destroy any engine or engines lawfully erected, or any shaft or shafts, passage or passages, drain or drains lawfully made for working any mine or mines, or shall wilfully and maliciously do any damage to the same to the value of five pounds, or upwards, or shall wilfully and maliciously burn or set on fire any stack of coals or charcoal above ground, or vein, or mine of coals, lying under ground, or any shafts or passages leading thereto, such offender or offenders, being thereof lawfully convicted, shall be adjudged a felon or felons, and shall suffer death without the benefit of clergy, or of the statute made in the ninth year of the reign of her late Majesty Queen Anne, intituled, *An act for taking away the benefit of clergy in certain cases, and for taking away the book in all cases, and for repealing part of the statute for transporting of felons.*

Destroying  
engines or  
shafts for  
mines, or do-  
ing damage  
5 l. or setting  
on fire stacks  
or mines of  
coal,

felony, with-  
out benefit of  
clergy, or of  
9 Anne 6.

## C H A P. XXV.

*An act for the relief of insolvent debtors.*

1 Anne 25.  
stat. 1. Eng.  
2 & 3 Anne 16.  
Eng.  
6 G. 1. 22.  
Eng.  
11 G. 1. 21.  
Eng.  
2 G. 2. 20.  
Eng.  
21 G. 2. 31.  
Eng.  
28 G. 2. 13.  
Eng.  
29 G. 2. 18.  
Eng.  
10 Wil. 3. 1.  
4 Anne 13.  
9 Anne 10.  
2 G. 1. 23.  
10 G. 1. 11.  
6 G. 1. 17.  
1 G. 2. 5.  
9 G. 2. 20.  
23 G. 2. 17.  
29 G. 2. 17.  
33 G. 2. 17.  
1 G. 3. 16.  
Persons in  
prison, without  
fraud, on 11  
June 1727, and  
ever since con-  
tinued, on any  
action or mesne  
process, &c.  
discharged on  
taking the oath  
herein, &c.  
any justice, on  
petition of such

**F**ORASMUCH as great numbers of persons, now detained in custody in pri-  
son, are reduced to very great poverty through many misfortunes, that have  
attended them, whereby they are disabled from giving satisfaction to their creditors,  
and by being detained in prison are rendered useless, and a burthen to this king-  
dom: be it enacted by the King's most excellent Majesty, by and with the ad-  
vice and consent of the lords spiritual and temporal and commons in this present  
Parliament assembled, and by the authority of the same, That all persons, who  
were actually confined in prison by legal commitments or process, without fraud  
or collusion with their creditors or others, upon the eleventh day of June one  
thousand seven hundred and twenty seven, and who have ever since such com-  
mitment continued in prison upon any action or actions, or mesne process, for debt  
or other action or actions whatsoever, which may become judgments, or who have  
judgment or judgments entered upon record against them, or are charged in execu-  
tion, or imprisoned upon attachments for debt or costs, or other action or actions, or  
upon outlawry or outlawries before or after judgment for debt, case, or trespass, or  
upon any other process whatsoever issued out of any court of law or equity for debt,  
damages, or costs, who shall take the oath, and perform all and singular the matters  
and things herein after mentioned, shall and may be released and discharged from  
their imprisonment, and the debts owing by them, in such manner as herein after  
is provided.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for  
any justice of the peace of any county, city, town, or liberty within this kingdom, by  
warrant under his hand and seal to require the sheriff or sheriffs, goaler or goalers, or  
keeper of any prison, within his or their respective jurisdictions, to bring before the  
justices of the peace at the next quarter-sessions for the respective county, city, town,  
or liberty, the body of any person, being in prison for debt, or upon any other  
action or process as aforesaid, on the day aforesaid, and who shall petition such  
justice

justice of the peace to be discharged; which warrant every such sheriff, goaler, or keeper, is hereby commanded to obey under the pain and forfeiture of twenty pounds sterling for every such delay, neglect, or refusal, to be paid to the prisoner obtaining such warrant; and to be recovered of any such sheriff, goaler, or keeper of any prison, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed; and such prisoner, coming before such justice of the peace at the said sessions, shall in open court take and sign an oath to the effect following:

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prisoner, may by warrant require goaler, &c. to produce him next sessions, on pain of 20 l. to the prisoner.  
Prisoner in open court shall take oath following.

I A. B. do upon my corporal oath in the presence of Almighty God solemnly swear, profess, and declare, that I am not worth in land, money, stock, or any other estate real or personal, in possession, reversion, or remainder, to the value of five pounds sterl. in the whole, over and above the effects contained in a schedule now delivered in by me, or sufficient to pay the debt or damage for which I am imprisoned; and that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any part of my land, money, goods, stock, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors; to whom I am indebted: and that there are not, nor is, to my knowledge or belief, any lands, tenements, or hereditaments, goods, chattels, debt, or other interest whatsoever, assigned or conveyed to any person or persons whatsoever in trust for me, or for my wife, or any child, or any other person, which is any way subject to my order, or under my power, or by which I am any way intitled to any benefit or advantage, other than what is contained in the said schedule now delivered in by me; and that I was actually a prisoner upon the eleventh day of June in the year of our Lord one thousand seven hundred and twenty seven within the prison of \_\_\_\_\_ at the suit of \_\_\_\_\_ and have so continued until this day.

So help me God.

III. And be it further enacted by the authority aforesaid, That the justice of the peace, who shall grant such warrant for bringing such prisoner before the justices of the peace at their next sessions, shall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and seal, that he has granted such warrant, and that the prisoner has petitioned him to be discharged; and the said summons or notice shall be left with or served upon such person or persons, his or their executors, administrators, attorneys, or agents, lawfully authorized, to be left at the dwelling-house or usual place of abode, to whom the prisoner shall stand indebted, at least twenty days before such quarter-sessions, thereby appointing as well the said persons, as the prisoner, to appear before the justices at the next general sessions of the peace to be held for the same county, city, town, or liberty; and when it shall appear upon oath before the said justices, that the said summons was so served or left twenty days or more before the said sessions, and the said oath, taken by the said prisoner, be not disproved by good testimony of any credible person upon oath (to be administered by the said justices of the peace) then such justices of the peace in their said sessions, being satisfied therewith, shall thereupon without fee or reward by their warrant command the sheriff, goaler, or keeper, of any prison to set at liberty the prisoner without fees or chamber-rent, saving only such fees, chamber-rent, and sums of money advanced for the necessary support of prisoners in the prison of the Four-court-marshalsea in Dublin, as shall be due to the marshal or keeper of the said marshalsea; which warrant shall be a discharge to the sheriff, goaler, or keeper of any prison, and indemnify him or them against any escapes.

The justice granting such warrant shall give notice thereof and of the petition, to the creditors; to be served 20 days before sessions.

On proof whereof, and the prisoner's oath not disproved, he shall be discharged without fees, by warrant to the goaler,

except fees, &c. to marshal of 4 courts, in Dublin.

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shall not be again imprisoned for debt or damages before 11 June 1727.

if arrested, may, shewing duplicate of discharge, file common bail, and plead the discharge, it being left to plaintiff to shew a failure:

Plaintiff if he pleases may enter up judgment.

to be executed upon lands and goods,

except apparel, necessary furniture or tools, not above 5 l. and goods on fresh credit after discharge, but not on the person.

Penalty for not bringing prisoner to sessions, or detaining after discharge, 10 l. to prisoner,

and fine not above 20 l.

Persons sued for executing this act may give it in evidence,

and have treble costs.

others jointly or severally bound, not acquitted by such discharge.

not to discharge offenders against, or debtors to, the King.

Prisoner on mesne process, if desired by creditor, shall forthwith give warrant to appear,

IV. And be it further enacted by the authority aforesaid, That no prisoner, that shall be discharged by vertue of this act, shall at any time hereafter be imprisoned for any debt, damages, or costs, for which he, she, or they were committed to prison before the eleventh day of June one thousand seven hundred and twenty seven, or for any debt or damages, which he, she, or they had contracted, or were by him, her, or them, owing and due before the said eleventh day of June one thousand seven hundred and twenty seven; and that upon any arrest upon such debt or damages it shall and may be lawful to and for him, her, or them, shewing a duplicate of his, her, or their discharge, which he, she, or they are to have without fee or reward, to retain an attorney to appear for him, her, or them; and file common bail only, and no more to be required, to every action, and plead thereunto that he, she, or they, were discharged by vertue of this act, without setting forth any of the matters and things required to be performed by this act, it being to be left to the plaintiff to shew any failure therein by his replication, if he shall think fit; so that the plaintiff, if he pleases, may recover and enter up judgment against such prisoner, to be executed and levied upon the lands, tenements, goods, and chattels of such prisoner (his or her wearing apparel, and necessary furniture for his or her dwelling house, and the furniture or necessary tools for his or her occupation, not exceeding in the whole five pounds, and such goods as he or she hath had or shall have upon fresh credit after such his or her discharge, only excepted) but not upon his, her, or their person, which shall for ever hereafter be freed and discharged from imprisonment for any such debt, damages, or costs, for which they were confined, or which was contracted, due, and owing by them before the said eleventh day of June one thousand seven hundred and twenty seven.

V. And be it further enacted by the authority aforesaid, That if any sheriff, goaler, or keeper of any prison, shall refuse or delay to bring such prisoner to the quarter sessions in order to his discharge, or detain the prisoner, after he shall be discharged without fees or chamber-rent as aforesaid, (except the marshal of the Four-courts in Dublin, who is hereby impowered to carry back or detain any prisoner for any sum or sums of money due to him as aforesaid, until payment or tender thereof and no longer, notwithstanding any such discharge) every such sheriff, goaler, or keeper of such prison, and every such marshal detaining any prisoner after such discharge and payment, or tender of such money due to such marshal as aforesaid, shall forfeit and pay the prisoner ten pounds; to be recovered by civil bill before the judge or judges of assize, or before such judge or King's council as shall hold sessions in the county of Dublin, or by bill, plaint, or information, in any of his Majesty's courts, where no essoin, protection, or wager of law shall be allowed; and also shall be liable to such fine, not exceeding twenty pounds, as the justices of the peace in their discretion shall think fit to impose.

VI. And be it further enacted by the authority aforesaid, That upon any action of escape, or other suit, to be brought against any justice of the peace, sheriff, goaler or keeper of any prison, for doing their office in pursuance of this act, they may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited, or shall discontinue his action, or a verdict pass against him, or judgment be given against him upon demurrer, the defendant shall have treble costs.

VII. Provided, That the discharge of any person shall not acquit any other, jointly or severally bound for the said debt or debts, or any part thereof, either as principal or security: but that every such person or persons shall be answerable for the said debt or debts, and damages, in such manner as they were before.

VIII. And be it further enacted by the authority aforesaid, That this act shall not extend to discharge any person in execution for any fine on him or her imposed for any offence committed or done against the King's Majesty, or any debtor to the crown.

IX. Provided, That every prisoner on mesne process, if it shall be desired by any creditor, before the justice of the peace, to whom the prisoner shall apply for his discharge, shall forthwith give a warrant to some attorney to appear and file common



common bail; and receive a declaration; and such prisoner shall thereupon have the full benefit of this act, as to the liberty of his or her person upon the said mesne process, and against any judgment or execution, that shall be had against him or her in such suit, as shall be brought against him or her, to all intents as fully as if he or she had been charged in execution the said eleventh day of June one thousand seven hundred and twenty seven: but such persons, being in prison upon such mesne process, in such case of refusal to give such warrant of attorney shall lose the benefit of this act.

X. And be it further enacted by the authority aforesaid, That every prisoner, before he or she shall be discharged, shall make oath before the said justices of the peace, to whom the prisoner shall apply for his discharge, of what effects are belonging to him or her, or in trust for him or her, or over which he or she hath any power, or out of which he or she is intitled to any advantage or benefit either in law or equity, and of what debts are owing to him or her, and by whom, and for what cause, and upon what security, and shall make a schedule thereof in the presence of the justices, and subscribed by the prisoner; which shall be returned by the justices to the next sessions, there to remain for the better information of the creditors of such prisoner; and such estate, debts, and effects contained in such schedule as aforesaid, shall immediately after the discharge of such prisoner be and are hereby vested in the clerk of the peace of such county, city, town, or liberty, in trust only and for the use of the creditor and creditors of such prisoner; which clerk of the peace is hereby directed and authorized by order of the justices at their general quarter sessions of the peace to make an assignment of the said estate and effects to such of the creditors of the said prisoner, as the major part of the creditors of the prisoner in number and value, who shall apply for the same; by any writing under their hands shall direct and appoint (for which assignment the said clerk of the peace shall take a fee of two shillings and no more) in trust for themselves and the rest of the creditors; which said assignee or assignees is and are hereby empowered to sue either at law or in equity in his, her, or their own name or names for, and to recover and receive the same, and give sufficient discharge and discharges to each respective debtor or debtors, and after receipt thereof such assignee or assignees are hereby required fully to divide the same among the creditors, who within one month after notice of such dividend, to be published in the Dublin Gazette published by authority, shall produce to such assignee or assignees an affidavit made before one or more justice or justices of the peace (who is and are hereby empowered to take the same) proving his or her debt due from the prisoner so discharged, in equal proportions according to their respective debts; for which assignment the clerk of the peace shall be paid one shilling and no more, and to render the overplus (if any shall be, their own debts or charges first deducted) to the prisoner, his executors and administrators: and in case such clerk of the peace shall neglect or refuse to make such assignment by the space of ten days after such order made by the justices as aforesaid, then such clerk of the peace, so neglecting or refusing, shall forfeit double the value of the effects contained in such schedule, to be recovered for the benefit of the several creditors of such prisoner respectively by any of the said creditors, who shall sue for the same, by action of debt in any of his Majesty's courts of record.

XI. And be it enacted by the authority aforesaid, That where the estate or effects of any debtor have been in pursuance of any former act, made in this kingdom for the relief of insolvent debtors, assigned to or vested in any clerk of the peace in trust for the creditors of such debtor, and have not been distributed or paid to such creditors, every such clerk of the peace at the quarter sessions to be held for the county, city, town, or liberty, where such debtor was discharged, at Midsummer one thousand seven hundred and twenty eight, shall assign such estate and effects in the manner, and under pain of the forfeitures, herein before mentioned; and every such assignee shall have the like powers, and be subject to the like orders and directions, in all respects as the assignees herein before mentioned.

XII. And

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Chap. 25.  
and have benefit of the act as if charged in execution 11 June.

Prisoner shall make oath of his effects, debts due &c. and a schedule to be returned to next sessions;

which, after discharge, vested in clerk of peace for creditors.

to be assigned to such creditors as major part in number and value in writing appoint in trust for all,

Assignees may sue in their own names; give discharge,

and divide among creditors (who in a month after notice in Dublin Gazette produce affidavit proving the debt) according to their debts,

tending overplus to prisoner. said clerk not making assignment to days after order, penalty double the effects in schedule, for the creditors.

Clerk of peace at Midsummer sess. 1728, shall in like manner assign estates of debtors by any former act vested in him, and not distributed.

A. D.

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Prisoners convicted of perjury, besides the usual penalties, shall not receive benefit of discharge.

Trustees for prisoner in 20 days after notice in writing, not disclosing such estate by notice filed with said clerk,

penalty 20 l. and double value, for the creditors.

No discharge where more than 200 l. principal to 1 person, or more than 400 l. to several.

Several persons not discharged.

Not to discharge those in custody for rent, where they or persons deriving under them are in possession;

XII. And be it further enacted by the authority aforesaid; That if any prisoner shall forswear or perjure himself in any of the matters aforesaid, and shall be thereof lawfully convicted of wilful perjury, he or she shall, over and above the penalties now in force against persons convicted of wilful perjury, be rendered incapable of receiving any benefit of his or her discharge, and lyable to pay his or her debt, as if this act had not been made.

XIII. And for the better discovery of all such prisoners estates, be it enacted by the authority aforesaid; That all and every person and persons, who shall have accepted of any trust or trusts, and conceal and protect any estate real or personal, of any prisoner discharged by this act as aforesaid, from his, her, or their creditors, and shall not, within twenty days after notice thereof given in writing by any creditor or creditors of such prisoner, discover and disclose such trust or estate by notice in writing, to be filed with the clerk of the peace of such county, city, town, or liberty, where such prisoner was discharged by this act, and thereby fully setting forth all the said estate, whether real or personal, so intrusted with him or them, shall for every such default or wilful omission forfeit the sum of twenty pounds, and double the value of the estate either real or personal so concealed, to and for the use and benefit of the said creditors; to be recovered by action of debt at the expence of the creditors in any of his Majesties courts of record in the name of such clerk of the peace for the county, city, town, or liberty, to whom the prisoner had assigned all his effects as delivered in his schedule as aforesaid, or in the name of such creditor or creditors, to whom such clerk of the peace shall have assigned such effects, or any part thereof as aforesaid; in which case costs shall be allowed to either party, as in other cases is used.

XIV. Provided always, That no person, who shall stand charged in execution, or be in custody on mesne process, at the suit of any one person, for more than two hundred pounds principal money really due, or at the suit of several persons for more than four hundred pounds principal money really due, shall be discharged by virtue of this act; any thing to the contrary thereof notwithstanding.

XV. Provided also, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend unto the release or discharge of Thomas Grace, now in custody of the marshal of the Four-courts Dublin at the suit of the executors of Henry Luttrell esquire, deceased; but that he the said Thomas Grace shall be and continue in goal or safe custody, as if this act had never been made.

XVI. Provided also, That nothing herein contained shall extend, or be construed to extend, to give any benefit, ease, discharge, or release, to Robert Corry late of Corlate in the county of Fermanagh, now in custody of the marshal of the Four-courts Dublin, or to Nicholas Pike alias Pewtner, now a prisoner in the Marshalsea or goal in the city of Waterford, or to Phelim Murry or Neal Mac-Canna, now prisoners in the goal of Monaghan, or in the custody of the sheriff of the county of Monaghan, or to Robert Fisher, now in the custody of the marshal of the Four-courts Dublin, or to Thady Geughan, now a prisoner in the marshalsea of the Four-courts Dublin, or to Ulick Burk or John Conran, now prisoners in the marshalsea of the Four-courts Dublin, or to colonel John Kempson, or to Richard Daton, or to John Jacob Voto, all prisoners in the marshalsea of the Four-courts Dublin aforesaid.

XVII. Provided also That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to give any benefit, ease, discharge, or release to any person or persons whatsoever, now in custody of any marshal or goaler within this kingdom of Ireland at the suit of any person or persons, bodies corporate or politick, for rent or arrears of rent, which became due and payable out of any lands, tenements, or hereditaments, where he, she, or they, owing such rent or arrears of rent, or any other person or persons deriving by, from, or under him, her, or them; is or are in possession of all or any of such lands, tenements,

nements, or hereditaments, or to any person or persons now in custody at the suit of any person or persons, bodies corporate or politick, for any maim or assault, or for any publick money received by any person or persons whatsoever in custody for the same.

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XVIII. And whereas by an act made in the second year of the late Queen Anne, at the humble petition of Sir Hans Hamilton, late of Hamilton's Bawn, baronet, all the estate of him the said Sir Hans Hamilton was vested in trustees therein named, who were obliged and required by sale of all or any part thereof to raise such sum and sums of money, as would discharge the debt of the said Sir Hans Hamilton, without suffering him to receive any part of the said purchase money, or to direct the payment thereof: and whereas the said trustees have actually sold all the said Sir Hans Hamilton's estate, and the money arising by such sale has not been sufficient to answer all his debts, and notwithstanding he gave up his whole fortune in manner aforesaid, without the least saving to himself, he has been necessitated, for fear of being put into prison, to withdraw himself into Holland, where he has lived for twenty years last past in an indigent condition: be it therefore enacted by the authority aforesaid, That the person of him the said Sir Hans Hamilton shall never be arrested or imprisoned for or on account of any debt or debts by him owing at the time of the said recited act.

nor for maim  
or assault, or  
publick money.

Sir Hans Ha-  
milton not to be  
arrested,

XIX. Provided always, That he the said Sir Hans Hamilton shall within the space of one year, to be computed from the first day of June in the year of our Lord one thousand seven hundred and twenty eight, make a full and true discovery upon oath before one or more of the barons of his Majesty's court of Exchequer (which he or they are hereby impowered to administer) of all the estate and effects real and personal, which he is possessed of or intitled to in law or equity, and of all debts and sums of money due to him, or to any other person or persons in trust for him, and shall convey, assign, and deliver, or cause the same to be conveyed, assigned, and delivered to such person or persons, as by the said baron or barons of the said court of Exchequer shall be appointed to receive the same; and that from and after such conveyance or assignment all such estate, effects, and debts, shall be and are hereby vested in such assignee or assignees, according to such estate and interest as the said Sir Hans Hamilton then had in the same, and shall be sold and disposed of by such assignee or assignees for the best price that can be had for the same, and all money arising by such sale, or received by such assignee or assignees (all necessary charges being first deducted) shall be divided amongst all the creditors of the said Sir Hans Hamilton in proportion to their several debts, and the surplus (if any) shall be returned to the said Sir Hans Hamilton; and that if he the said Sir Hans Hamilton shall neglect to make such discovery, conveyance, assignment, or delivery, of all and singular his estate, effects, and debts as aforesaid, in the manner and within the time before mentioned, he shall have no benefit by this act.

upon his mak-  
ing full discove-  
ry of his estate  
and effects be-  
fore a baron,  
and assigning as  
directed,

to be sold for  
his creditors,

XX. And whereas Thomas Thorne of the city of Dublin, merchant, who about nine years ago failed in his credit, and withdrew himself from his business and creditors, hath by a legacy since that time left him, and by other sums which he has got by the charity of his friends and relations, raised sufficient to pay his said creditors four shillings in the pound of their respective debts, which all his creditors, except William Camak of the city of Dublin merchant, to whom the said Thomas Thorne is indebted in the sum of eighty one pounds eight shillings, have agreed to accept as a composition for their respective demands: but the refusal of the said Camak to come into the said agreement or composition has hitherto frustrated the said just and good intention of all the said parties, and the said Thomas Thorne and many of his creditors have prayed, that they and the said Thomas Thorne may be relieved in the premises: be it therefore enacted by the authority aforesaid, That the said Thomas Thorne, causing notice in writing to be left at the dwelling-house of the said William Camak, that he will on a day, in the said notice to be specified, between the hours of ten and twelve in the forenoon by the hand of

Thom. Thorne  
discharged on  
composition with  
his creditors.

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some publick notary tender unto him at his house aforesaid the said sum of four shillings in the pound of his said debt, as a composition for the same, and causing such publick notary to go to the said house at the time appointed by such notice, and then and there to tender the said composition-money in the presence of one or more credible witnesses, and to pay the same to the said William Camak, if ready and willing to receive the same, or to leave the same with the wife or servant of the said William Camak, if absent, or refusing the same, the said Thomas Thorne shall be discharged of and from the said debt of the said William Camak, as effectually as if he had received his whole debt, or accepted of the said composition: and if the said Thomas Thorne shall after such payment or tender to the said William Camak, and composition made with his other creditors, be arrested, sued, or impleaded by the said William Camak for his said debt, or by any other of his compounding creditors for their or any of their debts, for which they shall have compounded as aforesaid, it shall and may be lawful to and for the said Thomas Thorne to summon such person or persons, creditor or creditors, at whose suit he shall be so arrested, before any of the judges of the court, out of which the said process, on which he shall be so arrested, shall issue, and upon producing to such judge this act and the said composition so made with his compounding creditors, or the attestation of the notary publick, who shall make such payment or tender as aforesaid, under his seal of office, and witnessed in the usual manner, such judge shall and he is hereby required to discharge the said Thomas Thorne from his arrest or imprisonment upon paying into court four shillings in the pound as aforesaid, if not before paid, and upon his causing an attorney to appear in the said action or suit; and if such person or persons, creditor or creditors, shall prosecute such suit or action, it shall and may be lawful to and for the said Thomas Thorne to plead the general issue, and give this act in evidence; and if the plaintiff or plaintiffs in such suit or action shall be nonsuited, or judgment shall pass against him or them thereon, the said Thomas Thorne shall have his full costs, to be recovered in such manner, as costs in all other actions are to be recovered, by the course of the court, where such suit or action shall depend.

No prisoner discharged but in quarter sess. for the county where in goal on first of this session.

unless removed by *hab. cor.*

No benefit by this act to persons discharged by the late insolvent acts.

XXI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to discharge any prisoner by virtue of this act, but in the quarter sessions to be held for the county, where such prisoner was actually in goal upon the first day of this present session of Parliament, unless the plaintiff or plaintiffs, at whose suit or suits such prisoner was in custody, hath by *habeas corpus* removed; or shall so remove, such prisoner to the Four-court marshalsea.

XXII. Provided also, That no person shall take any benefit or be discharged by virtue of this act, who hath heretofore been discharged out of goal by any of the acts passed in his late Majesty's reign for the relief of insolvent debtors.

C H A P.

*An act for the more speedy and effectual inclosing the strand on the north side of the river Anna-Liffey near the city of Dublin.*

WHEREAS the lord mayor, sheriffs, commons, and citizens of the city of Dublin, being seized in fee of a considerable tract of a ground or strand on the north side of the said river Anna-Liffey, in order to inclose and fence in the same from the sea by a good and substantial wall of lime and stone, did cause the said ground or strand to be surveyed; and after such survey was made, the said lord mayor, sheriffs, commons, and citizens, did by act of assembly, made or passed on or about the eighteenth of January one thousand seven hundred and sixteen, direct and appoint, that the said strand should be set out, and divided into two classes of lots: (that is to say) one by the acre, and the other by the foot, which was accordingly done; and after the said lots were so set out the same were fairly drawn by the then lord mayor, aldermen, sheriffs, and common council of the said city, who were severally to hold and enjoy the said lots to them and their heirs respectively at and under a yearly fee-farm rent of ten pounds for the term of ten years for each of the said lots, to be paid as a publick fund for carrying on the said work; and for encouraging so useful an undertaking the said lord mayor, sheriffs, commons, and citizens, did by deeds of lease and release, bearing date respectively the sixteenth and seventeenth days of June one thousand seven hundred and eighteen, grant and convey in fee-farm the said lots or parcels of ground to the persons respectively intitled to the same on the drawing thereof, and their heirs for ever, at and under the said several yearly fee-farm rents of ten pounds by four quarterly payments for and during the term of ten years, to be computed from the twenty fifth day of March then last past, provided that the said ground or strand should not be sooner inclosed, and the said work finished and done pursuant to the true intent and meaning of the said deeds of release, and the rules and regulations thereunto annexed; and from and after the expiration of the said ten years the respective proprietors of the said lots are to hold the same from the said lord mayor, sheriffs, commons, and citizens for ever, under and subject to the yearly rent of one pepper corn for each of the said lots, and no more: and whereas the sum of thirteen thousand pounds and upwards hath already been paid and laid out by the said proprietors

Lord-mayor, &c. of Dublin by act of assembly 18 January 1716, divided the North-strand into lots,

at 10 l. yearly fee-farm rent,

as a publick fund for inclosing it,

and in 1718 granted said lots in fee-farm, at said rents for 10 years.

13000 l. already laid out.

**A. D. 1727.** in taking in and inclosing the said ground or strand, but the said yearly fee-farm rent of ten pounds, payable by each of the said proprietors for the said term of ten years, which expires on the twenty fifth day of March one thousand seven hundred and twenty eight, will not be sufficient to finish the said work ; and, in case a further fund be not immediately raised and provided for carrying on the same, all, that is already done, will suddenly perish and decay : and whereas the finishing of the said work will not only be of great advantage to the respective proprietors of the said strand, but very beneficial to the trade and commerce of the said city, by deepning and cleansing the channel of the said river Anna-Liffey, and thereby making a free and open passage for all ships coming to and going from the said city : to the end therefore that so useful a work may be finished with all convenient speed, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person and persons, who now are, or at any time hereafter during the term of seven years to be computed from the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and twenty eight, shall be, seized of or intitled unto any of the said lots or parcels of ground or strand, shall and may meet and assemble themselves together in the Tholsel of the said city of Dublin four times in every year : (that is to say) on the first day of April, the first day of July, the first day of October, and the first day of January, unless any of the said days shall happen to be Sunday, and then on the day after ; and the said proprietors, or the major part of them present, at any of the said days or meetings shall and may constitute and appoint any thirteen or more of themselves to be a committee to manage and carry on the said work.

not sufficient to finish the work, which will decay without further fund : said work very beneficial to trade.

The proprietors shall meet 4 times a year, in the Tholsel,

and may appoint a committee for said work.

Each lot liable to 10 l. yearly rent for 7 years, by 4 quarterly payments,

**II.** And for defraying the charge and expence, which must necessarily attend the carrying on of the said work, be it enacted by the authority aforesaid, That each and every of the said lots or parcels of the said ground or strand shall from and after the said twenty fifth day of March, and for the term of seven years next ensuing, be charged with, and subject and liable unto, the yearly rent of ten pounds, to be paid and payable by the respective proprietors thereof, by four quarterly payments ; that is to say, on the twenty fourth day of June, the twenty fourth day of September, the twenty fourth day of December, and the twenty fourth day of March yearly and every year, during the said term of seven years, without any deduction or abatement whatsoever, to such person or persons as the said committee, or any seven or more

more of them, shall by writing under their hands and seals appoint to receive the same; the first payment thereof to begin and to be made on the twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and twenty eight; which said yearly sums of ten pounds shall be paid to the person or persons, who shall be appointed as aforesaid to receive the same, upon trust, and to the intent and purpose, that the same, and every part thereof, may be laid out and applied from time to time as the said committee, or any seven or more of them, shall direct and appoint for the carrying on and finishing the said work, and to and for no other use, intent, or purpose whatsoever.

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to be employed on said work.

III. And whereas great arrears of the said yearly fee-farm rents reserved and made payable by the said fee-farm deeds are now due, and the remedy thereby given for recovery thereof hath proved ineffectual, and the finishing so necessary and useful a work may be greatly delayed and obstructed, if some more effectual remedy be not provided for the recovery of the said arrears and of the said yearly sums of ten pounds, hereby intended to be raised and paid by the said respective proprietors of the said lots: be it enacted by the authority aforesaid, That where and as often as the sum of ten pounds or more is or shall be due and in arrear out of or for any one of the said lots by virtue of this present act, and the said fee-farm deeds, or either of them, then and in such case from time to time it shall and may be lawful to and for the said committee, or any seven or more of them, and they are hereby authorized and impowered, after such notice given as is herein after mentioned, absolutely to sell and convey such lot or lots, for which such sum or sums of ten pounds or more shall be so in arrear, by publick cant to the fairest bidder; and the said committee, or any seven or more of them, are hereby required and impowered out of the money arising by such sale in the first place to pay and satisfy the arrear, which at the time of the said sale shall be due and owing for or out of the said lot or lots, which shall be so sold, and after payment and satisfaction thereof, and the necessary costs and charges in and about the said sale, the residue of the money arising from such sale or sales (if any there be) shall be paid to the person or persons, who at the time of such sale shall be intitled to the said lot or lots, that shall be sold as aforesaid.

Remedy for arrears of said rent.  
Where 10<sup>l</sup>. due, the committee may sell the lots, to pay arrear, by publick cant.

IV. And be it further enacted by the authority aforesaid, That the receipt or acquittance of the said committee, or any seven or more of them, shall be a good and sufficient discharge to the person or persons, who shall buy any of the said lot or lots on such publick cant, for his and their respective purchase-money; and from and after the payment thereof such purchaser and purchaser,

Committee's receipt a sufficient discharge to purchaser for his money.

A. D. chafers, his and their heirs and assigns respectively, shall for ever  
 1727. after hold and enjoy the said lot or lots, by them purchased as  
 Chap. 26. aforesaid, freed and discharged of and from all title, claim, and  
 demand whatsoever of every such proprietor and his heirs, or any  
 other person or persons claiming by, from, or under him or  
 them.

Six months  
 notice before  
 day of sale  
 shall be posted  
 and published.

V. Provided always, and be it further enacted by the autho-  
 rity aforesaid, That before such sale shall be made as aforesaid,  
 publick notice thereof in writing under the hands of the said  
 committee, or any seven or more of them, shall be given by  
 publickly posting up the same in the Tholsel of the said city of  
 Dublin, and publishing such notice in some publick news-paper  
 at least six months before the day, which shall be therein appointed  
 for the sale thereof.

Sale not to  
 proceed, on  
 payment of ar-  
 rear and 7 l.  
 per cent. be-  
 fore the day.

VI. Provided nevertheless, That if such proprietor, his heirs  
 or assigns, shall at any time before such cant pay off and discharge  
 all arrears of the said yearly sum of ten pounds together with  
 interest at the rate of seven *per cent* for the same, and every part  
 thereof, from the time it became due to the time of such pay-  
 ment, that then and in such case such sale shall not be proceeded  
 upon ; any thing herein contained to the contrary thereof not-  
 withstanding.

If in the 7  
 years the work  
 declared finish-  
 ed, said 10 l.  
 rent shall cease.

VII. Provided also, and be it further enacted by the autho-  
 rity aforesaid, That if at any time within the said term of seven  
 years, to be computed from the said twenty fifth day of March  
 one thousand seven hundred and twenty eight, the said ground  
 or strand shall be inclosed, and the said work shall be declared by  
 the said proprietors, or the major part of them, who shall be  
 assembled, at two successive quarterly meetings, by order in writ-  
 ing, to be finished and compleated, then and from thenceforth  
 the said yearly sum of ten pounds, herein before enacted to be  
 paid by the proprietors for each of the said lots, shall cease and  
 determine, and each and every of the said proprietors, their heirs  
 and assigns respectively, shall for ever after hold and enjoy their  
 respective lots or parcels of the said ground or strand exonerated  
 and discharged of and from the payment of the said yearly sum  
 of ten pounds, and every part thereof, other than such arrears  
 thereof as shall be due and owing at or before the finishing of  
 the said work, in the same manner as he, she, or they would be  
 intitled to hold and enjoy the same according to the true intent  
 and meaning of the said fee-farm deeds, in case this act had never  
 been made : any thing herein before contained to the contrary  
 thereof in any wise notwithstanding.



VIII. Provided nevertheless, That if any of the said proprietors shall think him, her, or themselves agrieved by such order or declaration, it shall and may be lawful to and for such proprietors, not being less in number than fifteen, within three months after the said quarterly meetings by petition to appeal from such order or declaration to the lord high chancellor of Ireland, or the lords commissioners for hearing causes in the high court of Chancery, for the time being, who is and are hereby impowered to hear and determine the same in a summary way, and by his or their order to reverse, alter, change, or confirm such order or declaration made at the said quarterly meetings; which order, so made by the lord high chancellor or lords commissioners as aforesaid, shall be final and conclusive to all parties; any thing herein contained to the contrary notwithstanding.

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15 proprietors may in 3 months after orders at the meetings appeal to lord-chancellor; whole determination, in summary way, final.

IX. And to the end that the said yearly sum of ten pounds, hereby appointed to be paid for each of the said lots, may with all convenient speed be applied and laid out in carrying on and finishing the said work, be it enacted by the authority aforesaid, That the said committee, or any seven or more of them, to be appointed as aforesaid, shall have full power and authority, and they are hereby authorized and impowered, to contract and agree with such fit and able workmen or labourers, and such other persons as they shall judge necessary, to be employed in taking in and inclosing the said ground or strand, and superintending and overseeing the said work, and also to buy, contract, and agree for all such working-tools, implements, materials, and other necessities whatsoever, as shall be fit and proper to be employed or made use of in or about the said work, and to lay out and dispose of all monies, that shall be raised and paid by virtue of this act, in such manner as they shall think fit and convenient for the carrying on and compleating the said inclosure.

The committee may employ workmen, buy tools, &c.

X. And be it further enacted by the authority aforesaid, That the person or persons, who shall be appointed to receive the monies, that shall be raised by virtue of this act, shall pay the same to such persons, and in such manner, as the said committee, or any seven or more of them, shall by writing under their hands order or appoint; and that such order or appointment of the said committee, or any seven or more of them, shall be a sufficient discharge to the person or persons, who shall be appointed as aforesaid to collect and receive the monies, that shall be raised in pursuance of this act, for such part or so much thereof as he or they shall really pay or lay out pursuant to such order or appointment of the said committee, or any seven or more of them, as aforesaid.

Receiver shall pay as ordered by committee.

XI. Provided

A D. 1727. XI. Provided always, and be it further enacted by the authority aforefaid, That the faid committee, or any of them, or the person or persons who fhall be appointed as aforefaid to receive the monies, that fhall be raifed or paid by virtue of this act, fhall not be chargeable but for his or their own act or acts in or about the premiffes, and not the one of them for the act or default of the other of them, nor fhall be answerable for any money whatfoever arifing by this act, but for fo much only as they fhall actually receive, nor fhall be accountable or answerable for the acts or defaults of the other or others of them.

every one  
accountable  
only for his  
own acts.

XII. And whereas it hath been found by experience, that a juft and exact obfervance of all and every the rules, orders, regulations, and directions, fettled and agreed upon by the faid proprietors, and every of them, at and immediately before the execution of their refpective deeds of fee-farm, and which are mentioned and comprized in their faid refpective deeds, and in a fchedule to each of the faid deeds annexed, have very much contributed to the ends and purpofes propofed thereby, and that the fame, or fo many of them as may be neceffary to be followed and obferved for the future, may be submitted unto by the faid proprietors: be it therefore further enacted by the authority aforefaid, That fuch and fo many of the articles, covenants, claufes, provifoes, conditions, and agreements, mentioned and contained in the feveral deeds of fee-farm, made and executed to the refpective proprietors of the North-ftand near the city of Dublin aforefaid (other than and except fuch claufes and covenants in the faid deeds of releafe, which relate to or in any wife concern the payment of the yearly fee-farm rents of ten pounds therein feverally referved and made payable) and alfo fuch and fo many of the feveral regulations and orders mentioned and comprized in a fchedule to each of the faid deeds of fee-farm annexed, intituled a fchedule of the feveral regulations and orders agreed to by both parties to the deed annexed, and to be performed by all and every of them, and which are mentioned in the faid deeds, and referred to therein, as the faid feveral proprietors, or the major part of them at their general afsembly or meeting, fhall judge neceffary, and by order in writing figned by the faid proprietors, or the major part of them, direct to be obferved, be and fhall be during the faid term of feven years (in cafe the faid ftand be not fooner inclofed) fully obferved, performed, fulfilled, and submitted unto by all and every of the prefent and all future proprietors of the faid North-ftand, his, her, and their heirs and affigns refpectively, in fuch and the fame manner, to all intents, conftructions, and purpofes whatfoever, as if the fame and every of the faid articles, covenants, claufes, provifoes, conditions, agreements,

The regula-  
tions agreed  
on by the pro-  
prietors, and  
comprized in  
a fchedule,  
fhall be per-  
formed, as if  
in this act ex-  
preffed.

agreements, regulations, and orders had been expressed, mentioned, and particularized in this present act. A. D. 1727.

XIII. And be it further enacted by the authority aforesaid, That Chap. 26. the said proprietors, or the major part of them, present at any of the said quarterly meetings from time to time, during the said term of seven years (in case the said strand be not sooner inclosed) shall and may make, ordain, and appoint, any further or other reasonable orders, rules, and regulations in writing, as they the said proprietors, or the major part of them so assembled, shall judge necessary for the carrying on and finishing the said undertaking, and to promote the ends and purposes aforesaid; and whatever orders, rules, and regulations, shall from time to time be so made, settled, and agreed upon by the said proprietors, or the major part of them so assembled, for the carrying on and finishing the said undertaking as aforesaid, shall be fully observed, performed, fulfilled, and submitted unto by each and every of the said proprietors, his, her, and their heirs and assigns respectively; so as such rules, orders, and regulations to be made as aforesaid, be not for the raising any farther or other sum or sums of money; and so that the said rules, orders, or regulations, so to be made, be not to continue in force longer than the said term of seven years, and so as the same be not repugnant to the laws and statutes of this realm.

Majority of proprietors assembled may, make further regulations,

which shall be observed,

so as not for raising more money, nor to continue longer than 7 years, nor repugnant to laws of the realm.

XIV. Saving to the King's most excellent Majesty, his heirs and successors, and to all and every person and persons, bodies politick, and corporate, their heirs, successors, executors, administrators, and assigns, other than and except the said proprietors, their heirs and assigns respectively, all such right, title, estate, and interest, as they, or any of them have or may claim in or to the said premises, or any part thereof, as fully and amply as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Saving the right of others.

*An act for the better regulating the work-house of the city of Dublin, and to regulate and provide for the poor thereof: and to prevent mischiefs, which may happen by keeping gun-powder within the said city.*

19 G. 2. 21. **W**HEREAS the act made in the second year of the reign of her late Majesty Queen Anne, intituled, *An act for erecting a work-house in the city of Dublin, for employing and maintaining the poor thereof*, hath not answered the good end and design proposed thereby: but notwithstanding the said act the city and liberties thereto adjoining are extreamly burthened with great numbers of poor and idle vagrants, many of whom are able to work and earn their bread, if proper care were taken to regulate and employ them: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of May one thousand seven hundred and twenty eight the corporation, made and established by the said act, shall be and is hereby to all intents and purposes dissolved.

The corporation thereby established, dissolved.

And a corporation hereby appointed for ever in the county of the city of Dublin.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of May one thousand seven hundred and twenty eight there be and shall be a corporation to continue for ever within the county of the city of Dublin, which corporation shall consist of the several persons hereafter mentioned: (that is to say) the chief governor or governors of this kingdom, lord primate of all Ireland, lord high chancellor, lord archbishop of Dublin, lord-mayor of the city of Dublin, the speaker of the house of commons, the lord of the manor of Thomas-court and Donore, the chancellor of the Exchequer, the principal secretary of state, the three chief judges, his Majesty's prime serjeant at law, the attorney general, the solicitor general, the vicar general of Dublin, the deans of Christ-church and saint Patrick's Dublin, the recorder, aldermen, and sheriffs of the city of Dublin, the state-physician, the physician general of the army, the chirurgeon general, the surveyor general, the high sheriff of the county of Dublin, the seneschals of Saint Sepulchres and Thomas-court respectively, the master of the Royal hospital, the minister of each and every parish in the city and suburbs of Dublin respectively for the time being, the right honourable

honourable Robert earl of Kildare, the right honourable Edward A. D. earl of Drogheda, the right honourable James earl of Barrymore, 1727. the right honourable Thomas earl of Kerry, the right honour- Chap. 27. able James earl of Abercorn, the right honourable Richard lord viscount Fitz-William, the right honourable Alan lord viscount Middleton, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, lord bishop of Meath, lord bishop of Clogher, lord bishop of Elphin, lord bishop of Leighlin and Ferns, the right honourable William lord baron of Howth, the right honourable Henry lord baron of Santry, the right honourable Brinsley lord baron Butler, Jeffery Paul esquire, the right honourable lieutenant general Owen Wynne, Thomas Carter, George Rochfort, Robert Cope, Henry Bingham, Eaton Stannard, the honourable Humphery Butler, Isaac Manley, the right honourable James Tynte, the right honourable Marmaduke Coghill, the honourable Gustavus Hamilton, Henry Rose, Thomas Staunton, Charles Coote, Richard Dawson, John Folliot, Abel Ram senior, and Samuel Burton esquires, Sir Robert Maude baronet, Hugh Henry, James Stephenson senior, Charles Lambert, Francis Lucas, Theophilus Clements, Hercules Rowly, the honourable Richard Steward, the right honourable Richard Tighe, William Graham, Thomas Upton, Nathaniel Clements esquires, James Coghill esquire, doctor of laws, Sir Henry King baronet, major general Robert Naper, Luke Gardiner, William Maynard esquires, the right honourable Sir Thomas Taylor baronet, Sir Arthur Acheson baronet, Cæsar Colclough, Silvester Cross, John Bingham, Arthur Blenerhassett, Michael Cuffe, James Mc. Cartney, Henry Sandford, David Chaigneau, the right honourable Henry Maxwell, the right honourable Benjamin Parry, Agmondisham Vesey, Alexander Mt. Gomery, Henry Ingoldesby, William Brownlow, Owen Wynne, Ephraim Dawson esquires, Sir Compton Domville baronet, William Vesey, Robert Dickson, the honourable Robert Allen, George Johnston, Thomas Meredith and John Rotchfort esquires.

III. And be it further enacted by the authority aforefaid, That on the death of any person or persons, whose name is herein particularly before mentioned, whereby a vacancy of a governor shall happen, that then the governors of the said work-house at the next or some other quarterly meeting, to be held as hereafter is mentioned, shall elect another person, who shall be resident within the said city of Dublin, and shall pay at least twenty shillings *per annum* ministers money, or who lives and resides within ten miles of the said city of Dublin, in the place and stead of every such person so dying; and as often as any vacancy shall

Governors of work-houses at quarterly meeting shall on vacancy elect another, resident, paying 20 s. minister's money, living within 10 miles of Dublin.

A. D. shall happen in the place of any of the persons hereafter to  
 1727. be elected to succeed therein, some other person or persons quali-  
 Chap. 27. fied as aforesaid shall in like manner be elected; which said per-  
 sons, so from time to time elected, shall to all intents and purpo-  
 ses be deemed and taken to be governors of the said corporation,  
 as if their names were herein particularly inserted.

Said corpo-  
 ration to have  
 perpetual suc-  
 cession, com-  
 mon seal, im-  
 plead, and pur-  
 chase 2000 l.  
*per ann.* for  
 said corpora-  
 tion;  
 and called  
 Governors of  
 the work-house  
 of the city of  
 Dublin.

IV. And be it further enacted by the authority aforesaid, That  
 from and after the said first day of May one thousand seven hun-  
 dred and twenty eight the aforesaid persons shall for ever in  
 name and fact be one body politick and corporate in law to all  
 intents and purposes, and shall have perpetual succession, and be  
 called the governors of the work-house of the city of Dublin,  
 and shall be enabled to plead and sue, and to be sued and im-  
 pleaded, by that name, and shall and may have a common seal  
 for their use, and shall and may without license in *mortmain*  
 purchase, take, and receive any lands, tenements, or heredita-  
 ments whatsoever, not exceeding the annual value of two  
 thousand pounds, for the use and benefit of the said corpora-  
 tion.

15 gover-  
 nors shall meet  
 7 May 1728,  
 and in 8 days  
 after appoint  
 a treasurer and  
 overseer dur-  
 ing pleasure,  
 at 60 l. year-  
 ly;

V. And be it enacted by the authority aforesaid, That the said  
 governors, or any fifteen or more of them, do and shall on the  
 seventh day of May one thousand seven hundred and twenty eight  
 assemble in the said work-house, and shall then and there appoint  
 some convenient time, not less than eight days after the said meet-  
 ing, for the constituting and appointing a proper person to be  
 their treasurer or steward and overseer of the said work-house  
 during pleasure at a salary not exceeding sixty pounds *per annum*,  
 who, when so constituted and appointed by the said governors,  
 fifteen at least being present, shall give sufficient security to the  
 said governors for the faithful discharge of the trust reposed in  
 him; and the said governors shall also at the same time nominate  
 and appoint a register to the said work-house during pleasure, at  
 a salary not exceeding twenty five pounds *per annum*, who shall  
 from time to time issue summonses to each and every member of  
 the said corporation residing in the said city of Dublin, or liber-  
 ties thereunto adjoining, to meet and assemble together at the said  
 work-house, in order to hold a general court of assembly four  
 times in every year on the following days, *viz.* on every Monday  
 immediately following the days hereafter mentioned, *viz.* every  
 twenty fourth day of June, twenty ninth day of September, twenty  
 fifth day of December, and twenty fifth day of March, or oftner,  
 as the said governors, or any fifteen or more of them, shall see  
 occasion, and shall also do and perform such other business, as the  
 said governors shall from time to time appoint; which said officers  
 shall execute the said employments in person, except in case of  
 sickness

who shall give  
 security;

and likewise  
 appoint a re-  
 gister, at 25 l.  
 yearly;

to summon  
 the members  
 to a general  
 assembly 4  
 times a year,  
 or oftner if  
 occasion, and  
 do other busi-  
 ness.

Said officers  
 to act in per-  
 son, except

sickness or necessary absence, to be approved of by the said governors; in which cases the persons officiating for the said officers shall be approved of by the said governors as aforesaid; and that it shall and may be lawful to and for such governors, fifteen at least being present, at any such meeting or meetings to nominate and appoint all necessary under officers to the said house, with such reasonable salaries as they shall judge proper, to continue also during pleasure; and to make and ordain such rules, ordinances, by-laws, and other regulations, as the said governors, or any fifteen or more of them, shall judge necessary and expedient for the government of the said work-house, and the maintenance of the poor therein; so as the same be consonant to reason, and not contrary to the laws and statutes of this realm.

A. D. 1727.  
Chap. 27:  
sickness or necessary absence approved by the governors; their deputies also approved of. Governors to nominate under officers at reasonable salaries, and make reasonable and lawful regulations.

VI. And be it enacted by the authority aforesaid, That all lands and tenements of or belonging to the said corporation hereby dissolved, and all and every sum and sums of money, goods and chattels, debts and dues, and all rights of action, rights of entry, uses, trusts, interests, possibilities, claims, and demands whatsoever either in law or equity, which the said corporation shall be intitled unto on the said first day of May one thousand seven hundred and twenty eight by virtue of the said recited act, intituled, *An act for erecting a work-house in the city of Dublin for employing and maintaining the poor thereof*, or otherwise howsoever, shall from and after the said first day of May one thousand seven hundred and twenty eight be vested in the governors of the work-house of the city of Dublin hereby appointed, and their successors for ever, for the use and support of the said work-house, and the poor to be employed and maintained therein; any law or statute to the contrary notwithstanding.

All lands, goods, &c. of the former corporation vested in this.

VII. And be it further enacted by the authority aforesaid, That the said corporation created by this act shall from and after the said first day of May one thousand seven hundred and twenty eight be subject and liable to all actions and suits, causes of action and suit, claims and demands whatsoever, to which the said corporation hereby dissolved would have been subject and liable, in case this act had not been made, and in the same manner to all intents and purposes; and that all actions and suits, which shall have been brought either by or against the said corporation hereby dissolved, and shall be depending on the said first day of May, shall be continued and carried on by or against the said corporation hereby created, by the name of the governors of the work-house of the city of Dublin, in the same manner as such actions or suits might have been continued or carried on against the said corporation of the governors and guardians of the poor of the city of Dublin, in case the same had not been dissolved.

All actions depending by or against the said corporation shall be carried on.

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VIII. And

A. D. 1727. Chap. 27. VIII. And whereas there are considerable sums of money now due and in arrear out of the respective parishes within the said city of Dublin; and liberties thereto adjoining, which ought to have been levied and received by the church-wardens of the said parishes for the use of the said work-house; and also arrears due, which should have been collected for the said work-house, out of those places which are *extra parochial*, by the church-wardens of the adjoining parishes, and other arrears due in respect of coaches, cars, drays, and chairs: and whereas it likewise appears there are arrears of rent due out of several lands of inheritance, which have been granted for the better maintainance of the poor within the said house: to the end therefore that all such arrears may be collected and applied according to the direction and intention of the said recited act; be it further enacted by the authority aforesaid, That all and singular the said arrears be and are hereby vested in the governors of the work-house of the city of Dublin appointed by this act, and their successors, for the use of the said work-house; and that each and every of the said parishes and places *extra parochial*, and also the tenants of the said lands given to the said house, who have not duly paid the several sums of money which they were respectively obliged to pay pursuant to the said recited act, do forthwith pay the same to such person or persons as by the governors of the work-house hereby nominated and appointed, or any fifteen or more of them, shall be impowered to collect the same; and that such person or persons so appointed by the said governors of the said work-house, or any fifteen or more of them, shall have full and absolute power and authority either to compound for such sum and sums of money so in arrear, or to sue for and recover the same by distress, or any other ways and methods, as the same could or might have been sued for and recovered by the said recited act; and that the said arrears, or so much thereof as shall be collected and received, shall be applied and disposed of in the first place for the payment of such debts, as have been *bona fide* contracted by the governors appointed by the before recited act, in maintaining and supporting the poor of the said work-house; and the overplus, if any, shall be applied in such manner, and to such uses, as the governors of the work-house of the city of Dublin hereby appointed, and their successors, fifteen at least being present, shall direct and appoint; and that such person or persons, as shall be appointed to collect and receive all or any of the funds hereby intended for the use of the said house, and the maintenance and support of the poor therein, shall give receipts under his or their hands for all such sum and sums of money, as by him or them shall be collected and received.

All arrears  
vested in said  
governors;

to be paid  
to receiver ap-  
pointed,

who may  
compound, or  
sue for them,  
as by a *Anne*:  
19.

To be ap-  
plied first for  
payment of  
debts; and  
then as by said  
governors di-  
rected.

Receipts  
given by col-  
lector thereof.



IX. And the better to enable the said governors of the work-house to execute the trust reposed in them; be it enacted by the authority aforesaid, That from and after the said first day of May one thousand seven hundred and twenty eight the governors of the work-house of the city of Dublin hereby appointed, and their successors, shall have, enjoy, and be vested with all and singular the powers, rights, privileges, jurisdictions, and authorities, which the governors and guardians of the poor of the city of Dublin were vested with, or had a right to, by virtue of the said recited act, and shall and may by the name of the governors of the work-house of the city of Dublin do, perform, and execute all and singular the acts, matters, and things, which by the said governors and guardians of the poor of the city of Dublin by the said recited act might lawfully be done, performed, and executed; and that all and every person and persons, who shall be intrusted with the receipt of the revenue of the corporation hereby created, or any part thereof, and all other persons whatsoever, who shall account with the said corporation, fifteen of the governors at least being present, for any sum or sums of money by him or them collected and received for the use of the said corporation, shall account on oath before the said governors, if required; which oath the said governors are hereby impowered to administer.

A. D. 1727. Chap. 27.

Said governors shall enjoy all powers which the governors and guardians of the poor had by 2 Anne. 19.

Receivers to account on oath before 15 governors.

X. And be it further enacted by the authority aforesaid, That the said governors of the said work-house do and shall at their general quarterly meetings or assemblies, which shall be held the Monday immediately after the twenty fourth day of June in every year, constitute and appoint out of and from amongst themselves the number of fifteen or more to be called assistants; which persons so chosen as assistants, or any five or more of them, shall have full power and authority, and they are hereby authorized and impowered, for the term and space of one year after their being so chosen to meet and assemble themselves together at such place and places, and as often, as they shall think proper, and shall and may put in force and execution all and every the laws, rules, orders, and regulations, which shall from time to time be made or ordained by the said governors, fifteen at least being present, at any of their said quarterly or other general meetings or assemblies; and that the said assistants shall, during the said term of one year, have full and absolute power and authority to inspect into and regulate the management of the goal or house of correction, commonly called Bridewell, near the city of Dublin.

Said governors at general quarterly meeting after 24 June yearly shall appoint 15 at least of their body assistants; who, or any 5, may meet and execute the regulations made,

and inspect into the management of Bridewell.

XI. And whereas it is necessary for the support of the said work-house and maintenance of the poor therein, that the several yearly

This act amended 3 G. 2. 17. 5 G. 2. 14.

A. D. yearly rents payable for coaches, chairs, carts, cars, brewers  
 1727. drays, and carriages, and the duties on houses granted by the  
 Chap. 27. said recited act, which are now expired, should be revived: be it  
 enacted by the authority aforesaid, That the said governors, fifteen  
 at least being present, shall have power and authority, and they  
 are hereby impowered and required, under their common seal,  
 from and after the first day of May one thousand seven hundred  
 and twenty eight to license all such persons, as shall keep, drive,  
 or carry any hackney coach or coaches, chairs or sedans, and all  
 carts or cars, plying for hire, and all brewers drays or cars  
 within the said city, or liberties thereunto adjoining, as aforesaid;  
 and that the number of all hackney coaches so to be licensed  
 as aforesaid shall not exceed two hundred, and the number of  
 chairs or sedans so to be licensed shall also not exceed two hun-  
 dred; and for every license to be granted for each coach there  
 shall be paid to the governors of the said work-house the sum of  
 five pounds by way of fine for such license, before such license  
 shall be delivered to him or them as aforesaid; and the licenses  
 for coaches, and chairs or sedans, and every of them, shall be  
 granted to continue for and during the term of one and twenty  
 years from the said first day of May one thousand seven hundred  
 and twenty eight, and no longer, and shall be transferable or de-  
 visable by the parties, to whom the same shall be granted, or by  
 their executors, administrators, or assigns, under the rents and  
 covenants therein to be contained; and upon every of the said  
 licenses for each and every coach there shall be reserved and  
 made payable to the governors of the said work-house, and their  
 successors, the yearly rent or sum of forty shillings, and for each  
 and every chair or sedan forty two shillings, and no more, to be  
 paid quarterly at the four usual days of payment in the year, *viz.*  
 on every twenty fourth day of June, twenty ninth day of Sep-  
 tember, twenty fifth day of December, and twenty fifth day of  
 March, in every year, with such covenants, conditions, and pro-  
 visoos therein to be inserted for the more effectual payment there-  
 of as the said governors in their discretion shall think fit.

XII. And be it further enacted by the authority aforesaid, That  
 an entry shall be made of every assignment or devise of every such  
 license in some book or books, to be kept by the register of the  
 said work-house for that purpose, within three months after such  
 transfer or devise, which entry shall be made without fee or reward;  
 to which book or books every person concerned shall have free  
 access to inspect the same at all seasonable times without fee or  
 reward; and in case no such entry shall be made within the space  
 of three months as aforesaid, every such devisee or assignee shall  
 upon

19 G. 2. 21.

25 G. 2. 16.

Yearly rents

for coaches,

£c. and du-

ties on houses,

granted by 2

Anne. 19. be-

ing expired,

should be re-

vived.

15 gover-

nors shall li-

cence hackney

coaches, &amp;c.

number of

coaches and

chairs, not

above 200

each.

25 G. 2. 16.

5 l. first paid

for licence.

Licences

for coaches

and chairs for

21 years from

1 May 1728,

19 G. 2. 21.

enlarged.

Transferable

or devisable.

3 G. 2. 17.

On licence

for a coach

40 s. yearly

reserved.

for a chair

42 s.

payable quar-

terly, to the

governors.

upon such failure forfeit the sum of five pounds; and that from and after the first day of July one thousand seven hundred and twenty eight no person or persons shall presume to drive, carry, or let to hire by the hour, day, or otherwise, any hackney coach or coaches, chair or sedan, to ply within the said city or liberties or within the parishes or places comprized within the bills of mortality adjoining to the said city, without such leave or license first obtained from the said governors, fifteen at least being present, as aforesaid, under the penalty of ten pounds for every coach, and five pounds for every chair, which shall so ply contrary to the true intent and meaning of this act; and that no horse, gelding, or mare, to be used in such hackney coach or coaches, shall be under the size of fourteen hands according to the standard, under the penalty of forty shillings for every time they shall be so used; and every coach, chair, or sedan, so to be licensed, shall have a mark of distinction by a figure on a large square tin plate, with the number in large figures, in white, or otherwise, as the said governors shall think fit; which said mark shall be placed on each side of every such coach, chair, or sedan, in such manner as the said governors shall think proper; and if the coachman, driver, chairman, or carriers of any coach, chair, or sedan, plying for hire as aforesaid, shall drive or carry without such mark of distinction or figure any coach, chair, or sedan, or if any person or persons shall blot out, deface, or change the mark or figure appointed for such coach, chair, or sedan as aforesaid, every person or persons so offending for every such offence shall forfeit the sum of forty shillings; one moiety of all the aforesaid penalties to go and be applied to the use and benefit of the informer, and the other moiety to the use of the said corporation: hereby created for the benefit of the said work-house; which said several penalties of ten pounds, five pounds, and forty shillings, shall be recovered before the said governors, fifteen at least being present, in a summary way, on proof made before them on oath, which oath the said governors are hereby impowered to administer after one summons to the party offending, and shall be levied by distress and sale of the offender's goods by warrant under the hand and seal of such governors, or any five of them, unless such penalty be paid within ten days after such distress shall be taken; and in case no sufficient distress can or may be had or found to answer the said penalties respectively, that then the person or persons so offending shall by warrant under the hands and seals of the said governors, or any five of them, be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

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Penalty 5 l. if no such entry.

Penalty for driving, &c. a coach without licence, 10 l.

5 l. every chair.

No horse used under 14 hands,

penalty 40 s. 9 Anne 23. Eng.

every coach or chair shall be numbered on each side.

Penalty for plying without or defacing it 40 s.

All penalties to informer and the corporation:

before said governors summarily, on proof on oath;

by distress, and sale if not paid in 10 days:

for want of distress, to house of correction 1 month.

A. D. XIII. And be it further enacted by the authority aforesaid,  
 1727. That no hackney coachman so licensed, nor the driver of such  
 Chap. 27. coach, shall presume to take for his hire in and about the said  
 city, or within five miles of the same; above the rate of six shil-  
 lings and six pence for a day, reckoning twelve hours to the day;  
 and by the hour not above thirteen pence for the first hour, and  
 six pence halfpenny for every hour after; and six pence halfpenny  
 for setting down any person or persons in any place of the said  
 city or liberties aforesaid as far as the publick lights are erected;  
 and that no chairman, or carrier of chairs or sedans, shall take for  
 his hire in and about the said city or liberties above the rate of  
 three shillings for a day as aforesaid; and by the hour not above  
 twelve pence for the first hour, and six pence for every hour after;  
 and six pence for setting down any person or persons in any place  
 of the said city or liberties as aforesaid; and if any coachman,  
 chairman, or carrier of chairs or sedans, shall exact more for his  
 hire than the several rates hereby limited, or leave his or their  
 fare without permission, the owners or proprietors of such coach,  
 chair, or sedan, shall for every of such offence of such coachman  
 or driver, or chairman, or carriers of chairs, forfeit any sum not  
 exceeding forty shillings, to be recovered before any one of his  
 Majesty's justices of the peace of the county of the city of Dublin,  
 or the aforesaid seneschals in their respective liberties; which pe-  
 nalties shall be levied by distress and sale of the goods and chattels  
 of the proprietor or owner of such coach, chair, or sedan, by  
 warrant under the hand and seal of such justice or seneschal, unless  
 such penalty be paid within ten days after such distress shall be  
 taken; and the overplus, all charges being deducted, shall be re-  
 turned to the owner; one moiety whereof shall be applyed to the  
 use of the corporation hereby created for the benefit of the  
 work-house, the other moiety to the use of the informer; which  
 sum or sums the said justice or justices and seneschals, when paid  
 or levied, are hereby required to pay accordingly.

XIV. Provided always, and be it further enacted by the autho-  
 rity aforesaid, That no person or persons to whom such licenses  
 for keeping chairs shall be granted as aforesaid, shall in his own  
 name, or in the name of any other person for his, her, or their  
 use, or in trust for him, her, or them, have at any one time more  
 than two such licensed chairs; and in case the said governors of  
 the work-house, or the said court of assistants, shall have reason  
 to suspect, that any person or persons have therein offended, it shall  
 and may be lawful to and for the said governors of the work-  
 house, or the said court of assistants, to summon such person or  
 persons to appear before them at the time and place in such  
 summons

Hire of a  
 coach in Dub-  
 lin, or 5 miles,  
 6 s. and 6 d.  
 per day; 13 d.  
 first hour, 6 d.  
 halfpenny af-  
 ter; and for  
 setting down  
 as far as the  
 publick lights,  
 6d halfpenny:  
 3 G. 2. 17.  
 25 G. 2. 16.  
 altered.  
 of a chair 3s.  
 per day; 12 d.  
 first hour, 6 d.  
 after; and 6d.  
 for setting  
 down.  
 Penalty for  
 exacting more,  
 or leaving fare,  
 40 s. before a  
 justice or se-  
 neschal, by  
 distress as a-  
 fore said.  
 5 G. 2. 14.  
 19 G. 2. 21.  
 None shall  
 have more  
 than 2 licen-  
 sed chairs.  
 3 G. 2. 17:  
 further in-  
 forced.

summons mentioned ; and in case such person or persons after such summons, so as the same be personally served twenty four hours before the time appointed for his, her, or their appearance, shall neglect to appear, without some reasonable cause for so doing, or after appearance it shall be found by the confession of the party, or by the oath of one or more credible witness or witnesses, or other due proof, that such person or persons have so offended contrary to this act, which oath the said governors of the workhouse, or the said court of assistants, have hereby power to administer, every person or persons so offending shall forfeit all the licenses for chairs granted to them by virtue of this act, or which he, she, or they shall be intitled unto by assignment, or otherwise, and such licences are hereby declared to be void to all intents and purposes whatsoever ; and the governors of the said workhouse are hereby authorized and required to grant such forfeited licenses to any other person or persons under the same yearly rents, as are payable for the other licensed chairs.

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on pain of forfeiting licences, which may be granted to any other.

XV. And be it further enacted by the authority aforesaid, That all brewers drays or cars, and carts and cars usually plying for hire, within the said city and liberties aforesaid, from and after the said first day of May one thousand seven hundred and twenty eight shall be licensed by the said governors, fifteen at least being present ; and upon every such cart, car, and brewers dray, a mark of distinction or figure shall be placed, in such manner and form as the said governors, fifteen being present, shall think proper ; and upon every of the said licenses there shall be reserved annually to the said governors the several sums following : (that is to say) for every such cart, brewers dray, or car, the sum of twenty shillings, and for every other car ten shillings, the same to be paid quarterly, on the twenty fourth day of June, twenty fourth day of September, the twenty fourth day of December, and the twenty fourth day of March, yearly and every year ; and in case the said annual rents or sums, or any part thereof, shall be in arrear after the days, on which the same are hereby made payable, by the space of twenty days, that then the said license so granted shall be forfeited ; and before a new license, or any other license, shall be granted to such person or persons so neglecting to pay the said rent by the time or times aforesaid, he, she, or they shall pay down not only all arrears due on such forfeited license, but also the sum of twenty shillings as a fine upon such new license, in case the license forfeited was for a cart or brewers dray, and ten shillings as a fine for a car plying for hire.

Brewers drays, &c. and cars for hire shall be licensed, and numbered ;  
reserving annually for brewer's drays, &c. 20 s.  
other cars, 10 s.  
§ G. 2. 14. altered, payable quarterly.  
If in arrear 20 days, licence forfeited :  
and before another licence granted, besides the arrear shall be paid 20 s. for brewer's dray, &c. 10 s. for a car.

XVI. Provided nevertheless, That if the said governors shall think proper to proceed for recovery of the said arrears by distress, it shall and may be lawful to and for the said governors by warrant

or the governors may distrain, and not take advantage of the forfeiture.

A. D. rant under the hand and seal of any five of them by distress and  
 1727. sale of the goods of the owner or proprietor of such cart, car, or  
 Chap. 27. brewers dray, to levy the said arrear; rendering, after all charges  
 deducted, the overplus to the owner; in which case no advantage  
 shall be taken by the said governors of the said forfeiture.

Owners  
 thereof shall  
 register their  
 names,  
 abodes, and  
 numbers,

XVII. And to the intent the owners or proprietors of such  
 carts or cars, brewers drays or cars, may be truly known, the  
 proprietor of every such cart, car, brewets dray or car, shall  
 on or before the said first day of July one thousand seven hun-  
 dred and twenty eight enter his or their names, and their  
 respective places of abode, and the number of their carts and cars  
 plying for hire as aforesaid, and the several brewers drays or  
 cars which he, she, or they shall respectively have and make use  
 of, with the register of the said work-house, in a book to be  
 kept for that purpose, for which he shall take three pence, and  
 no more.

paying 3 d.

XVIII. And whereas the city of Dublin and suburbs thereof  
 have very much increased since the said recited act, made in the  
 second year of the reign of her late Majesty Queen Anne, and  
 consequently the poor, which may be supported in the said work-  
 house are now more in number than formerly; and in order to  
 raise a further supply for their maintenance and support, be it  
 further enacted by the authority aforesaid, That for every car or  
 cart, that shall carry and draw for hire into the city of Dublin,  
 or into the liberties thereto adjoining, any bricks, stones, sand,  
 gravel, or any such like materials commonly employed and made  
 use of by builders, a license shall also be taken out from the said  
 governors of the said work-house under their common seal; and  
 for every such license there shall be paid to the said governors for  
 the use of the said work-house the several sums following: (that  
 is to say) for every such cart the sum of ten shillings, and for  
 every such car the sum of five shillings, and no more; and that  
 for every such cart or car drawing stones, bricks, sand, or gravel  
 for building, there shall from and after the first day of May one  
 thousand seven hundred and twenty eight be paid yearly to the  
 said governors, and their successors, the several sums following:  
 (that is to say) for every cart yearly the sum of ten shillings, and  
 for every car the yearly sum of five shillings, and no more; the  
 same to be paid by the same quarterly sales, and at the same  
 times, and under the same penalties, and to be recovered in such  
 and the same manner, as the several yearly rents payable for other  
 carts, brewers drays, and cars, are hereby made recoverable.

as a further  
 supply on in-  
 crease of the  
 poor, every  
 car or cart  
 hired to draw  
 materials for  
 builders shall  
 be licenced,

paying for  
 a cart 10 s. li-  
 cence, and  
 5 s. yearly,

for a car 5 s.  
 licence, and  
 5 s. yearly,

under like  
 penalties.

Penalty on  
 all such carts,  
 cars, and  
 brewer's

XIX. And be it further enacted by the authority aforesaid,  
 That all and every person or persons, who shall keep or drive any  
 cart or car plying for hire, or who shall keep or drive any cart or  
 car

car for drawing bricks, stones, sand, or gravel, made use of by A. D. builders in the said city or liberties as aforesaid; and every brewer, 1727. who shall keep or drive any dray or car without being licensed or Chap. 27. entered as aforesaid, shall forfeit and pay to the said governors and their successors, for the use of the said work-house the just and full sum of twenty shillings for each and every such offence, to be recovered by the said governors in such and the same manner, as the several other penalties and forfeitures herein mentioned are to be recovered against the drivers of or keepers of coaches without license as aforesaid.

drays, if not licensed, 20 s. to the governors.

XX. And be it further enacted by the authority aforesaid, That all fines for licences, and the annual rents of one hundred and fifty of the said coaches, and one hundred and sixty chairs, shall be applied to and for the use of the said work-house; and that the rents of the other fifty coaches and forty chairs shall be paid to and applied by the governors of the Blue-coat hospital for the use of the said hospital, and poor children educated therein.

All fines for licence, and rents of 150 coaches and 160 chairs, to use of work-house; of the other 50 coaches and 40 chairs, to Blue-coat hospital.

XXI. And be it further enacted by the authority aforesaid, That for the better regulating and ordering such persons, who shall be licensed to keep hackney coaches, chairs, carts, cars, or drays, and the coachmen, chairmen, drivers and carriers thereof, and all draymen and carmen, and to prevent disturbances, stoppages, and other inconveniencies in the streets, where such coaches, chairs, carts, cars, or drays shall stand, be driven or carried, and for punishing any rudeness, insult, or misbehaviour by any coachman, chairman, carter, carman, or drayman, and the coachman and chairman, who shall refuse to go for hire, when not actually employed and paid for waiting, or who shall be guilty of exacting more than his fare; it shall and may be lawful to and for the said governors, fifteen at least being present, to make such orders and by-laws to bind all and every the persons, who shall have licenses to keep hackney coaches, chairs, carts, cars, or drays, and also the coachmen, chairmen, drivers, and carriers thereof, and the draymen and carmen, and annex such reasonable penalties and forfeitures, not exceeding forty shillings, for the breach of any such by-law; on the persons offending, or by making void the license which the person so offending had for keeping any such coach, chair, cart, car, or dray; or by subjecting such persons, as shall drive or carry any hackney coach or chair for hire, and all draymen and carmen, to corporal punishment, by sending them to the house of correction, there to be whipt, and kept to hard labour for any time not exceeding ten days, or by causing them to be publicly whipt

For better ordering, &c. 15 governors may make by-laws, binding all who have licences,

with penalties not exceeding 40 s.

or the house of correction, &c.

A. D. through the streets of the city of Dublin ; so as such rules, orders, and by-laws, be approved of by the lord chancellor, or lords commissioners of the great seal, and the three chief judges for the time being, or any three of them, and after such approbation shall be printed and publickly posted on the Tholsel of the city of Dublin, and the said work-house, and such other places as the said governors shall appoint ; and that the said penalties and forfeitures be inflicted and recovered by and before any of the justices of the peace of the county of the city of Dublin, or any of the seneschals within their respective liberties and jurisdictions, who are hereby impowered and required to hear and determine the same, and to award execution thereon.

XXII. Provided, That nothing herein contained shall extend, or be construed to extend, to any stage-coach, or other coach which shall be hired on any journey into the country.

XXIII. And be it further enacted by the authority aforesaid, That if any person or persons shall refuse or neglect to pay any coachman or chairman the money justly due to him or them for carrying such person or persons in his or their coach or chair, or shall wilfully cut, deface, or break any such coach or chair, it shall and may be lawful to and for any justice of the peace or seneschal aforesaid within their respective jurisdictions, where such refusal shall be made, or damage done, upon complaint thereof to grant a summons, requiring such person to appear before him at a certain time and place to answer such complaint ; and in case any person so summoned, not being a peer of Parliament, shall refuse to appear, then to grant a warrant to bring before him the person, against whom such complaint shall be made ; and upon proof made upon oath, which oath the said justice or seneschal hath hereby power to administer, to award reasonable satisfaction to the party grieved for his damage and costs ; and upon refusal to pay or make such satisfaction, to bind over the party refusing to the next general quarter-sessions of the peace to be held for the city or county, where the offence shall be committed ; and the justices in such quarter-sessions have hereby power finally to hear and determine the matter of the said complaint, and to award satisfaction to the party grieved, and for nonpayment to levy the same by distress upon the goods and chattels of the party, against whom such complaint shall be made.

XXIV. And for the better support and maintenance of the said poor in the said work-house, be it further enacted by the authority aforesaid, That there shall be charged upon and paid for all and every the houses within the several parishes of the city of Dublin,



Dublin, and within the liberties of saint Sepulchres, Thomas-court, and Donore, thereto adjoining, and within the liberties of Christ-church and saint Patrick's, the sum of three pence in the pound for every pound of the yearly value of every such house or houses, as the valuations are returned for the collection of ministers money in the city and liberties aforesaid; and where no such valuation is or shall be returned, the sum of three pence in the pound *per annum* according to the rent payable by the tenants in possession; and in case such rent is only a ground-rent, then according to the rent, that such house might be reasonably set for to a solvent tenant; such rent to be ascertained by four of the parishioners, to be named by the church-wardens; which said three pence *per pound* shall be payable and paid for and during the term of one and twenty years, to commence from the first day of May one thousand seven hundred and twenty eight, and from thence shall continue to the end of the next session of Parliament after the said twenty one years, and be a charge on the inhabitant or inhabitants of every house or houses, and shall be levied by distress, or otherwise, by the church-wardens of the respective parishes, and in places *extra parochial* by the church-wardens of the adjoining parish, at such time, and in such manner, as the ministers money in the said city is levied by a statute made in this kingdom in the seventeenth and eighteenth years of King Charles the second, intituled, *An act for the provision of ministers in cities and corporate towns, and making the church of St. Andrews in the suburbs of the city of Dublin presentative for ever*, and shall be by them respectively paid to the governors of the said work-house for the use of the poor of the said house.

A. D. 1727. Chap. 27.  
valuation for minister's money, or to the rent payable, or for which it might be let to solvent tenant, ascertained by 4 parishioners, or, if not in a month, by the governors.  
19 G. 2. 21.  
3 G. 2. 17.  
additional 3 d.  
5 G. 2. 14.  
payable 21 years, &c.  
19 G. 2. 21.  
continued 21 years, &c.  
charged on inhabitants, levied by distress by church-wardens, as by 17 and 18 C. 2.  
3 G. 2. 17.  
5 G. 2. 14.  
others may be appointed.  
and paid to the governors.

XXV. And be it further enacted by the authority aforesaid, That the several sums of money, which shall be paid for licensing the said coaches, carts, and cars, by virtue of this act, and the several fines, forfeitures, and penalties, herein and hereby directed to be paid, not otherwise hereby disposed of, shall be, and the same, and every part thereof, is hereby vested in the said governors and their successors, to be by them employed and made use of in purchasing of goods, wares, and merchandizes, to be wrought up and manufactured in the said work-house.

XXVI. And be it further enacted by the authority aforesaid, That all and every poor child or children, found or taken up within the city or liberties, which shall be left to be maintained by any parish or parishes in the said city or liberties aforesaid, who are unable to support themselves, shall from and after the age of six years be admitted and received into the said work-house, and there be taught to read and write, and thoroughly instructed in

Poor deserted children shall after 6 be received into the work-house, and instructed to read and write and in a trade,  
3 G. 2. 17.  
the altered.

A. D. 1727. Chap. 27. the principles of the protestant religion of the church of Ireland as by law established ; and as the male children shall be severally fit and capable, such male children shall be taught and instructed in such trades or callings, as the said governors, fifteen at least being present, shall direct and appoint, and shall be severally employed in such trades and callings within the said house until they shall respectively attain the age of twenty one years ; at which age they shall be severally discharged from their service, and receive a certificate under the common seal of the said corporation, notifying his or their having been brought up and educated in the said house, and of his and their having been instructed in such trade or profession as he and they have been taught : and on his and their producing the said certificate, and taking such oaths as the law shall direct, he and they shall be, and are hereby declared to be, a freeman and freemen of the said city of Dublin, and of the corporation in which trade or calling he or they had been instructed, and have such and the same privileges as any other freeman or freemen of the said city and corporation have or can enjoy ; and that such female children, as shall be received into the said house, shall be there maintained and instructed in such proper trades, and be disposed of at such ages, and in such manner, as the said governors, fifteen at least being present, shall judge necessary.

at 21 discharged, receiving a certificate,

on producing which, and taking the oaths, freemen of Dublin.

Females instructed, and disposed as by 25 governors thought fit.

No right to vote for member of Parliament till admitted free by lord-mayor, &c.

XXVII. Provided always, That no person or persons, intituled to his freedom by virtue of this act, shall have a right to vote for members to serve in this or any ensuing Parliament for the city of Dublin, unless he or they shall have been first admitted free of the city of Dublin by the lord mayor, sheriffs, commons, and citizens thereof.

Overseers shall be appointed yearly at Easter at vestry, to take care of such foundlings till admitted.

XXVIII. And whereas the exposed or foundling children, left yearly on the several parishes in the city and suburbs of Dublin, are very numerous, and do mostly perish before they attain the age of six years for want of due care and provision for them, and it is manifest that neither the work-house of the said city, or the fund thereof, is large enough for the reception or the relief of such foundlings before they attain the age aforesaid : be it therefore enacted by the authority aforesaid, That for the support of such children till they shall respectively attain the age of six years as aforesaid, the minister, church-wardens, and parishioners of the several parishes within the city and suburbs of Dublin assembled in vestry, shall yearly on Easter Monday or Tuesday elect two or more overseers of the poor of each parish respectively, to be sworn into their office by the ordinary within one month after such election, who shall take order for the nursing and maintaining

maintaining such exposed or foundling children, as are or shall be left upon the parish, till they shall be admitted into the work-house. A. D. 1727.

Chap. 27.

XXIX. And for enabling the said overseers to relieve and provide for parish foundlings as aforesaid; be it further enacted by the authority aforesaid, That at a publick meeting of the minister, church-wardens, and parishioners of each parish respectively assembled in vestry as aforesaid, the said minister, church-wardens, and parishioners so assembled, being at least thirteen in number, or the major part of them, shall make and settle a parish cess, for so much money as they shall judge necessary for relieving and maintaining the foundlings and exposed children lying on such parish respectively; which cess shall be equally apportioned on the several houses thereof in proportion to the ministers money charged on the said houses, and shall be collected as other parish cesses for the relief of the poor are collected; and such money so collected shall be paid to the said overseers of the poor for the uses aforesaid; and all such overseers shall on the feast of the Ascension of our Blessed Lord and Saviour in every year at a meeting of the minister and parishioners, to be then held for that purpose, deliver up their accounts of all sums of money charged, received, and applied by them for or towards the maintenance of such parish foundlings, and also a parchment roll or list of all the foundling children, which lay upon the parish at the time they entered upon their office, and which since came thereon, with the places wherein they were exposed or left, and the time of such exposure, and of their death or removal from the parish, and the names and abodes of the persons, by whom they are nursed; which account and list being examined and allowed by the minister, church-wardens, overseers, and parishioners assembled as aforesaid, or the major part of them, shall be fairly entered in a book to be provided and kept for that purpose by the church-wardens of every such parish, and shall be subscribed by the said overseers; and that no composition shall be made by the said overseers with the nurses appointed to nurse and take care of such foundling child or children, but such overseers shall pay an annual stipend for the nursing and maintaining such child or children; and the said overseers are hereby required to see such foundling child or children quarterly, to the intent they may be truly informed of the state and condition of such child or children, and whether they are sufficiently taken care of.

For which a parish-cess shall be settled in vestry, 3 G. 2. 17. 5 G. 2. 14.

Overseers shall account at the Ascension, and give a list of the foundlings, where and when exposed, death, &c. and names of nurses;

said account and list allowed in vestry shall be entered.

Overseers shall pay yearly stipend to nurses without composition,

and visit quarterly.

A. D. XXX. And be it further enacted by the authority aforesaid;  
1727. That the said assistants, or any five or more of them, do and shall  
Chap. 27. constitute and depute such and so many persons, as they shall judge

*Five assistants shall depute persons to apprehend sturdy beggars or vagabonds, 3 G. 2. 17. altered.*  
necessary, who shall have full power and authority to seize, and apprehend, and bring before the said assistants, or any five or more of them, any sturdy beggar or beggars, or other idle vagabond or vagabonds, that such person or persons so deputed shall know, find, or be informed of, to be begging, strowling, or frequenting any of the streets or houses within the said city or suburbs of Dublin or the liberties thereunto adjoyning; and the

*To be committed to work-house till next general assembly; when (if 15 governors see cause) they may be kept to hard labour 4 years, &c.*  
said assistants, or any five or more of them, are hereby impowered by warrant under their hands and seals to commit the said persons, who shall from time to time be so apprehended and brought before them, to the said work-house, there to be confined and kept to hard labour, if they think fit, until the next general court of assembly, where such sturdy beggar or beggars, idle vagabond or vagabonds, shall be brought and examined by the said governors; and if the said governors, not being less than fifteen in number, shall see sufficient cause, they shall and may confine such sturdy beggar or beggars, idle vagabond or vagabonds, in the said work-house for any term not longer than four years, there to be kept to hard labour, or otherwise employed as they shall see cause.

5 G. 1. 26. XXXI. And whereas there are great quantities of gun-pow-  
Eng. der kept in ware-houses, shops, cellars, and vaults in the city  
11 G. 1. 23. of Dublin and suburbs thereof, and liberties thereunto adjoyning,  
Eng. and in case of fire may be of dangerous consequence to the lives  
None shall and properties of the inhabitants of the same: for preventing  
keep above whereof be it enacted by the authority aforesaid, That every  
100 weight of person or persons, who shall keep or lodge in any house, ware-  
gunpowder house, shop, vault, or any other place within one mile of the  
within a mile said city (except in his Majesty's stores) any greater quantity of  
of Dublin, ex- gun-powder than one hundred weight at any one time, that  
cept in the such person and persons shall for every such offence forfeit the  
King's stores. sum of one hundred pounds; two third parts whereof shall be

*Penalty, 2 thirds to informer, one to the work-house.*  
Importers of gunpowder not to deposite it in a house in a mile of Dublin,  
nor to let it lye on the quay above 24 hours.  
and for the use of the said work-house: and if any merchant or other person shall import any gun-powder into the port of Dublin, such importer or importers shall not lodge or deposite the same in any house, ware-house, shop, vault; or any other place within one mile of the said city of Dublin, nor shall suffer the same to lie on the custom-house quay for any longer time than twenty four hours; and such importer or importers acting contrary

trary hereunto shall for each and every such offence forfeit and pay the sum of one hundred pounds; two third parts thereof to the use of the informer, the other third part thereof to the use of the said work-house: and if complaint shall be made upon oath to the lord mayor of the city of Dublin, or seneschals of the aforesaid liberties respectively, of any greater quantity of gun-powder than one hundred weight being lodged or deposited in any of the places aforesaid, the said lord mayor or seneschals respectively are hereby directed and required to issue his or their warrant to any bailiff or other officer, thereby empowering him to enter into any house, ware-house, shop, vault, or other place, where information is given that gun-powder is lodged, and there examine whether any greater quantity than one hundred weight is lodged in any such house, ware-house, shop, vault, or other place; and if such bailiff or other officer shall be debarred or hindered from executing such warrant by any person or persons whatsoever, such person or persons shall for such offence forfeit the sum of one hundred pounds; two third parts thereof for the use of such bailiff or other officer, and the other third part thereof to the uses of the said work-house; which said several penalties shall be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts in Dublin, wherein but one imparlance, and no essoin, protection, or wager of law, shall be allowed.

A. D.

1727.

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Penalty  
100l. as  
aforesaid.  
On com-  
plaint of grea-  
ter quantity,  
lord-mayor, or  
seneschal shall  
issue warrant  
to enter and  
search:

if hindered,  
penalty 100l.

two thirds  
to the officer,  
one to work-  
house.

XXXII. Provided always, That it shall and may be lawful to and for any person or persons by and with the consent and approbation of the chief governor or governors of this kingdom for the time being, testified by any writing or writings under his and their hands and seals respectively, to erect any ware-house or ware-houses for keeping of gun-powder on any proper and convenient plot or plots of ground within the limits aforesaid; any thing in this present act to the contrary thereof in any wise notwithstanding.

But with  
consent of  
chief gover-  
nors ware-  
houses for  
gunpowder  
may be erected  
in said limits.

XXXIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act and the special matter in evidence for his defence; and if upon a tryal a verdict shall pass for the defendant or defendants, or judgment shall be given against the plaintiff or plaintiffs upon demurrer, or the plaintiff or plaintiffs be nonsuit, discontinue, or forbear prosecuting their said actions, then such defendant or defendants shall have double costs to him or them.

Persons sued  
for acting may  
plead general  
issue, and have  
double costs  
on nonsuit,  
&c.

A. D. 1727. them awarded against such plaintiff or plaintiffs; for which costs he shall have such remedy as in other cases, where costs are by law given to defendants.

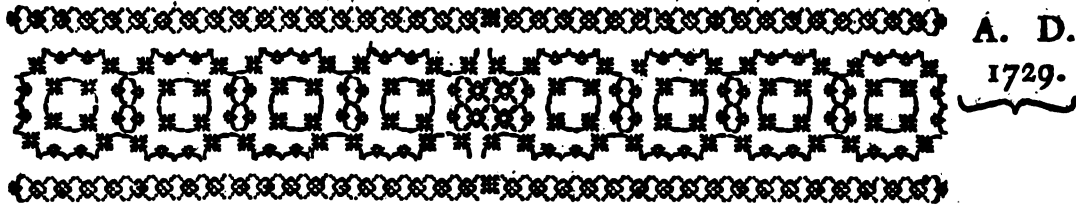
Chap. 27.

No *certiorari* shall supersede orders of said governors.

XXXIV. Provided also and be it enacted, That no writ or writs of *certiorari* shall supersede execution or other proceedings upon any order or orders made by the said governors, assistants, justices, or seneschals, in pursuance of this act; but that execution and other proceedings shall and may be had and made thereupon; any such writ or writs or allowance thereof notwithstanding.



THE



THE  
THIRD YEAR  
OF  
GEORGE II.



CHAP. I.

*An Act for granting and continuing to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned.*

**W**E your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being sensible of the many blessings we enjoy under your Majesty's auspicious reign, and your indulgent care of this your kingdom, and of your tender concern for our prosperity in grateful acknowledgement thereof, and for the effectual support of your Majesty's government, upon which the happiness, peace, and security, of this your Majesty's

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realm

A. D.  
1729.  
Chap. I.

Additional du-  
ties on beer, ale,  
&c. by 1 G. 2. 4.  
continued to 25  
December 1731.

realm depends, have unanimously and chearfully granted to your Majesty the several duties herein after mentioned: and for that purpose we humbly beseech your Majesty, that it may be enacted, and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the several additional duties, rates, and impositions on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes, which in and by one act of Parliament made and passed in the first year of your Majesty's reign, intituled, *An act for granting to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned, and also a tax on salaries, profits of employments, fees, and pensions, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his late Majesty for the use of the publick, together with the interest thereof, were granted unto your Majesty, or chargeable in manner therein mentioned from the twenty fifth day of March one thousand seven hundred twenty and eight to the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred twenty and nine inclusive, be further granted, continued, raised, collected, levied, and paid, unto your Majesty, your heirs and successors, from the said twenty fifth day of December one thousand seven hundred twenty and nine until the twenty fifth day of December one thousand seven hundred thirty and one inclusive.*

14 & 15 G.  
2. 8 & 9.

II. And be it enacted by the authority aforesaid, That all and singular the said duties hereby granted and continued shall be raised, levied, collected, and paid unto your Majesty, your heirs and successors, during the time aforesaid, over and above all other duties payable for the same, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted, or by virtue of one other act made in the said fourteenth year of the reign of the said King Charles the second, intituled, An Act for settling the subsidy of poundage, and granting a subsidy of tunnage, and other sums of money unto his royal Majesty, his heirs and successors the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed.*

III. Provided always, and be it enacted by the authority aforesaid, That if the said wines, strong-waters, spirits perfectly made, and spirits made and distilled of wine and brandy, or spirits above proof, upon which the said additional duties are charged, shall after payment thereof, or security given for the same, be again exported by any merchant or merchants, that is or are a subject or subjects of this realm, or any other his Majesty's dominions, within twelve months, or by merchants strangers within nine months, after the importation thereof, and due proof first made by certificate from the proper officers of the due entry of such wines, strong waters, spirits perfectly made, and spirits made and distilled of wine, brandy, or spirits above proof, and of the payment of the additional duties hereby granted and charged thereon, or security being given for the same, and that all other requisites shall have been performed, which are by law required to be performed, in cases where the duties of excise are to be repaid by virtue of the before mentioned act, [intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted;*] that then the said additional duties shall without any delay or reward be repaid or allowed unto such merchant or merchants, so exporting the same, within one month after demand thereof, or the security for the said additional duties by this act charged shall be vacated or discharged, as to so much as shall be so exported; any thing in this act contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted, and also for a further supply to your Majesty, all and every the rules, directions, powers, and authorities, clause or clauses, relating to brewers mixing their beer and ale, and distillers distilling



distilling of strong waters, and for preventing the mixing of small worts with strong ale or beer after the gauger hath taken the gauge thereof, and for empowering gaugers to take an account of all wash and low wines in distillers hands, the better to ascertain the quantity of *aqua vita*, strong waters, and spirits by them distilled, and all penalties and forfeitures arising thereby and therefrom, given, granted, or enacted, in and by an act passed in the fourth year of the reign of his late Majesty King George the first of glorious memory, intituled, [*An act for continuing to his Majesty an additional duty on all wines and strong waters; and spirits perfectly made, and upon all spirits made and distilled of wine; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned; and for granting a further additional duty on ale, beer, and strong-waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*] which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from time to time by divers acts of Parliament made in this kingdom until the twenty fifth day of December one thousand seven hundred twenty and nine inclusive, shall be and continue in full force from the said twenty fifth day of December one thousand seven hundred twenty and nine until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred thirty and one inclusive.

V. And be it further enacted by the authority aforesaid, That for a further supply to your Majesty, the further additional duty of twenty shillings *sterling* on every hundred weight of molasses, and the further additional duty of twenty shillings *sterling* on every hundred weight of treacle, which in and by the said act of Parliament made in the first year of your Majesty's reign, were granted to your Majesty from the twenty fifth day of March, which was in the year of our Lord one thousand seven hundred twenty and eight until the twenty fifth day of December one thousand seven hundred twenty and nine inclusive, be further granted, continued, collected, levied, and paid, unto your Majesty, your heirs and successors, from the said twenty fifth day of December one thousand seven hundred twenty and nine until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred thirty and one inclusive.

VI. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures and the trade thereof in this kingdom.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby granted or continued, shall be raised, answered, collected, and paid, unto your Majesty, your heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed in and by the said act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with like remedy of appeal to and for the party grieved as in and by the said act of excise is provided.*

VIII. And

A. D. 1729. Chap. I. VIII. And be it further enacted by the authority aforesaid, That the six pence *per* pound and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general of this kingdom, or any other officer or officers of this kingdom, for, or on account of, or out of the aids granted hereby unto your Majesty, shall be received by the said vice-treasurer, receiver, or pay-master-general, for the use of your Majesty, your heirs and successors, and shall be duly accounted for by him or them to your Majesty, your heirs and successors, as a further and additional aid hereby given and granted.

IX. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned be paid out of the aforesaid additional duties and aids, granted and continued to your Majesty by this present act, to the persons hereafter mentioned: (that is to say) a sum not exceeding ten thousand pounds unto such person or persons, and in such manner, as the lord lieutenant or other chief governor or governors of this kingdom for the time being shall appoint, to be laid out towards carrying on and finishing the building of the new Parliament-house; also the sum of two thousand pounds *per annum* for two years, from the twenty fifth day of December one thousand seven hundred and twenty nine to the twenty fifth day of December one thousand seven hundred and thirty one inclusive, to the trustees of the linnen-manufacture, to encourage the raising sufficient quantities of hemp and flax in this kingdom; also the sum of three hundred pounds *sterling* to Matthew Pennefather esquire, accomptant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation, laid before the house of commons this present session of Parliament; also the sum of three hundred pounds *sterling* to Bruen Worthington a clerk of the house of commons, as a reward for his attendance and service this session of Parliament; also the sum of two hundred pounds *sterling* to Isaac Ambrose a clerk of the house of commons, as a reward for his attendance and service this session of Parliament; and the further sum of three hundred pounds *sterling* to the said Bruen Worthington and Isaac Ambrose, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the house of commons; and also the sum of two hundred pounds *sterling* to John Kerr clerk assistant; three hundred pounds *sterling* to Richard Povey sergeant at arms, for his attendance on the house of commons; two hundred and fifty pounds to William Baily and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; eighty pounds to John Fieldhouse and James Savage, door-keepers of the house of commons, to be equally divided between them; which said several sums are given to the said several persons as rewards for their said several services, attendances, and expences this session of Parliament; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom, without any further or other warrant to be sued for, had, or obtained in that behalf.

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*An Act for granting to his Majesty a further additional duty on wine, strong waters, brandy, and spirits; and also a tax of four shillings in the pound on all salaries, profits of employments, fees, and pensions, to be applied to pay an interest at the rate of six pounds per cent. per ann. for the sum of two hundred thousand pounds, and towards the discharge of the said principal sum.*

**W**HEREAS in the second year of the reign of his late Majesty King George the first of glorious memory by an act, intituled, *An act for continuing to his Majesty the additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes*, it is enacted, “ That all such sum and sums of money as should be advanced and actually paid into his said late Majesty’s treasury, at the instance of their excellencies the lords justices, or other chief governour or governours of this his Majesty’s kingdom for the time being, for the support and defence of this his Majesty’s kingdom, should be repaid to such person or persons, as should lend or advance the same, his, her, or their executors, administrators, or assigns respectively, together with legal interest for the same, out of the next aids to be granted by Parliament: and whereas the sum of fifty thousand pounds was advanced and paid into his said late Majesty’s treasury in pursuance of the said act of Parliament: and whereas the said principal sum of fifty thousand pounds, or any part thereof, has not been paid, but the interest due thereon has been from time to time discharged, and the said interest in pursuance of an act passed in the tenth year of the reign of his said late Majesty, and by the consent of the several persons who paid and advanced the said sum of fifty thousand pounds, was reduced to the rate of seven pounds *per cent. per annum*, from the twenty fifth day of March, which was in the year one thousand seven hundred and twenty four: and whereas by an act passed in the first session of this present Parliament, it is enacted, that the said principal sum of fifty thousand pounds, together with the interest thereof, should be repaid on the twenty fifth day of December one thousand seven hundred and twenty nine: and whereas not only the said sum of fifty thousand pounds remains still unpaid, but there also remains a considerable arrear due to your Majesty’s establishment on the twenty fifth day of March one thousand seven hundred and twenty nine, which cannot at present be discharged, and the necessary branches of your Majesty’s establishment supported, without such supplies as would greatly burthen your Majesty’s faithful subjects of this kingdom: be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That, for all and every such sum and sums of money, not exceeding in the whole the sum of one hundred and fifty thousand pounds, as shall on or before the twenty fifth day of December in this present year one thousand seven hundred and twenty nine be paid into your Majesty’s treasury towards the discharge of the said arrear there shall be paid at the receipt of your Majesty’s Exchequer by the hands of the vice-treasurer or paymaster-general, vice-treasurers or paymasters-general, his, or their deputy or deputies at the end of every six calendar months from the said twenty fifth day of December one thousand seven hundred

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dred and twenty nine, to the person and persons so paying or lending the same, his, her, or their executors, administrators, and assigns, an interest according to the rate of six pounds *per cent. per annum*, without any fee or charge, and free from all deductions, defalcations, and abatements whatsoever, from and after the said twenty fifth day of December one thousand seven hundred and twenty nine, until such time as they be respectively paid their principal money at one intire payment.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of December one thousand seven hundred and twenty nine, the like interest after the rate of six pounds *per cent. per annum*, and no more, be paid half yearly in like manner at the receipt of your Majesty's Exchequer, to the several persons, their executors, administrators, and assigns respectively, who have advanced the said sum of fifty thousand pounds, and that without charge or fee, and free from all deductions, defalcations, and abatements whatsoever, until such time as they be respectively paid their principal money at one intire payment.

III. Provided nevertheless, if any subscriber or subscribers to the said sum of fifty thousand pounds, his, her, or their executors, administrators, or assigns, shall refuse to take or accept for the money by him, her, or them advanced, six pounds *per cent. per annum* interest, from the said twenty fifth day of December one thousand seven hundred and twenty nine, that then such subscriber or subscribers, his, her, or their executors, administrators, or assigns, transferring his, her, or their subscriptions, and the whole benefit thereof, to the said vice-treasurers or vice-treasurer, his or their deputy or deputies, such subscriber or subscribers, his, her, or their executors, administrators, or assigns, shall have and receive the money due to them on such subscription from the said vice-treasurers or vice-treasurer, his, or their deputy or deputies, which subscriptions so transferred to the said vice-treasurers or vice-treasurer, his or their deputy, may be again assigned by him or them to any person or persons, who shall advance the sum due upon such subscription or subscriptions at six pounds *per cent. per annum* interest.

IV. And be it further enacted by the authority aforesaid, That any sum or sums of money due and in arrear to any person upon your Majesty's establishment, or upon the establishment of his late Majesty King George the first, and payable at the receipt of your Majesty's Exchequer by virtue of any warrant or warrants from the government, or debenture or debentures for arrears of pay to the army due before the twenty fifth day of March one thousand seven hundred and twenty nine, and for arrears due to the half pay officers on or before the said twenty fifth day of March one thousand seven hundred and twenty nine, shall and may be subscribed and received as ready money in part of the said sum of one hundred and fifty thousand pounds; and that in taking the said subscriptions such debentures and warrants shall be received and preferred before ready money, and that such part of the said sum of one hundred and fifty thousand pounds, as shall be paid in ready money, shall be applied by the vice-treasurers or vice-treasurer, his or their deputy or deputies, to the discharge of such debentures or warrants, as shall not within two calendar months from the time of striking such debentures be subscribed as part of the said one hundred and fifty thousand pounds, and to no other use or purpose whatsoever.

V. And be it further enacted by the authority aforesaid, That such and the like orders or receipts shall be given by the officers of your Majesty's treasury for all and every sum and sums of money, to be paid into the receipt of your Majesty's Exchequer on account of the said intended loan of one hundred and fifty thousand pounds, as were given for the several sums advanced on account of the said loan of fifty thousand pounds; and that any person may, by indorsement on such order or receipt, transfer the right and benefit of the sum due upon such order or receipt which upon notice to the vice-treasurers or vice-treasurer, his, or their deputy or deputies, and entry or memorial thereof made in the said vice-treasurers office (which the said vice-treasurers or vice-treasurer, his or their deputy or deputies, shall upon request without charge, fee, or reward, make accordingly, and shall on

on request permit the same to be viewed at the usual office-hours without fee or reward) shall intitle the endorsee or assignee, his executors, administrators, and assigns, to the sole benefit of the same so transferred or assigned; and that the said order or receipt may in like manner be assigned or transferred by such assignee, and so *toties quoties*; and that after such assignment it shall not be in the power of the person or persons, who made such assignment, to make void, release, or discharge the said assignment, or the sum thereby transferred or assigned, or any part thereof.

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VI. And to the end and intent that the interest of the said several sums of fifty thousand pounds, and one hundred and fifty thousand pounds, making in the whole the sum of two hundred thousand pounds, according to the rate of six pounds *per cent. per annum*, may be duly and regularly paid half yearly according to the true intent and meaning of this act; be it enacted by the authority aforesaid, That from and after the twenty fifth day of December, which will be in this present year of our Lord one thousand seven hundred and twenty nine, there shall be throughout this your Majesty's kingdom of Ireland raised, levied, collected, and paid unto your Majesty until the twenty fifth day of December one thousand seven hundred and thirty one inclusive, and no longer, over and above the rates and duties already payable for the same, and over and above the several additional duties granted and continued to your Majesty this present session of Parliament by an act intituled, *An act for granting and continuing to his Majesty, an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned*, the several further new additional rates and duties herein after mentioned: (that is to say) thirteen shillings *per tun* for and upon all sorts of wines of the growth of Portugal; and forty shillings *per tun* for and upon all other sorts of wines to be imported into this kingdom from the said twenty fifth day of December one thousand seven hundred and twenty nine to the said twenty fifth day of December one thousand seven hundred and thirty one inclusive, and so proportionably for a greater or lesser quantity; and also four pence *per gallon* for and upon all sorts of strong waters, brandy, and spirits, that shall be imported into this kingdom during the time aforesaid, and so proportionably for a greater or lesser quantity; and also the sum of two shillings and six pence *per pound weight* for and upon all manufactures made of silk, except the manufactures of Great-Britain, China, Persia, or the East-Indies, that shall be imported into this kingdom during the time aforesaid.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties hereby granted shall be raised, answered, collected, and paid unto your Majesty, your heirs and successors, during the time aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed, in and by an act made in this kingdom in the fourteenth year of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act, with like remedy of appeal to and for the party grieved as in and by the said act of excise is provided.

VIII. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall have upon the twenty fifth day of December one thousand seven hundred and twenty nine, or who shall have at any time between the said twenty fifth day of December one thousand seven hundred and twenty nine and the twenty fifth day of December one thousand seven hundred and thirty one inclusive any salary, profits of employments, fees, or pensions, in this kingdom, shall pay unto your Majesty the full sum of four shillings *sterling* out of every twenty shillings

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shillings a year, which he, she, or they, do or shall receive, or be intitled unto, by reason of such salaries, profits of employments, fees, or pensions, over and above the charges and expences of executing the said employments, unless such person or persons do and shall live and actually reside within this kingdom for and during the space of six calendar months at least in each of the said years; which said tax or duty of four shillings *sterling* out of every twenty shillings a year as aforesaid out of such respective salaries and pensions shall be stopped and deducted yearly, during the time and term aforesaid, by the vice-treasurer, pay-master, and receiver-general of his Majesty's revenue, or by such person or persons who pay the same; and which said profits and fees shall be stopped by the respective deputy and deputies of such person or persons so absent as aforesaid, and paid by them to the said vice-treasurer or vice-treasurers, his or their deputy or deputies, to be accounted for to your Majesty; and that such deputy or deputies shall give in upon oath an account before the lord chief baron, or any of the barons of the Exchequer, or any two justices of the peace, of the net profits of such employment or employments, for which such deputy or deputies are or shall be accountable to their principals.

IX. Provided always, and be it further enacted and declared by the authority aforesaid, That this act shall not extend to charge the said tax or duty of four shillings *sterling* a year on every twenty shillings as aforesaid upon the salary, pension, fees, or profits of employments, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, his or their secretary or secretaries; nor to such person or persons who shall, within one month after such tax shall become payable, be exempted from the payment thereof by his Majesty's sign manual to be produced for that purpose, as occasion shall require; nor to the officers of such regiments as now are or hereafter shall be commanded abroad on his Majesty's service; nor to the half pay officers on the establishment of this kingdom; nor to the widows of officers; nor to any officer under the degrees of a field-officer.

X. And be it further enacted by the authority aforesaid, That neither the six pence *per* pound, nor any other fees shall be payable to, or be deducted or received by, the vice-treasurer, receiver, or paymaster-general, or any other officer or officers of this kingdom, for, or on account of, or out of the aids hereby granted to his Majesty, or of any payment to be made thereout in pursuance of this act.

XI. And be it further enacted by the authority aforesaid, That the said several duties and aids, and the said tax of four shillings in the pound, hereby granted to your Majesty, shall in the first place be applied and paid by the vice-treasurer or vice-treasurers, his or their deputy or deputies, to the discharge of the interest of the said sum of two hundred thousand pounds; and if such the said duties, aids, and taxes, hereby granted to your Majesty, shall produce a sum more than sufficient to discharge the interest of the said sum of two hundred thousand pounds, that then such sum, so arising over and above the interest so discharged, shall remain in the hands of the vice-treasurer or vice-treasurers, his or their deputy or deputies, to be applied towards the discharge of the said principal sum of two hundred thousand pounds in such order and manner, as by any act or acts of Parliament hereafter to be made shall be directed and provided, and to no other use, intent, or purpose whatsoever.

*An act for the encouragement of tillage, and better employment of the poor; and also for the more effectual putting in execution an act, intituled, [An act to encourage the draining and improving of boggs, and unprofitable low-grounds, and for easing and dispatching the inland carriage and conveyance of goods from one part to another within this kingdom;] and also for laying several duties upon coaches, berlins, chariots calashes, chaises, and chairs, and upon cards and dice, and upon wrought and manufactured gold and silver plate imported into or made in Ireland for the purposes therein mentioned; and also for repealing the duties payable upon the exportation of wooll, bay-yarn, and woollen-yarn, out of this kingdom for England.*

WHEREAS by an act passed in the second year of the reign of his late Majesty King George the first of glorious memory, intituled, *An Act to encourage the draining and improving of boggs and unprofitable low-grounds, and for easing and dispatching the inland carriage and conveyance of goods from one part to another within this kingdom*, several persons therein named were thereby authorized and impowered to make several rivers therein mentioned navigable and passable for boats and other vessels of burthen, and to open, cleanse, and make navigable the several boggs and intermediate tracts in the said act mentioned, as well for the present discharging and carrying off the waters from the same, as also for the navigation and passing of boats and other vessels of burthen therein, in order to the easing and dispatching the carriage and conveyance of goods, and thereby creating and maintaining an inland communication and commerce in and between the several counties in this kingdom: and whereas by one other act made in the eighth year of his said late Majesty's reign, intituled, *An act for the further amendment of the law, and for continuing and amending several acts near expiring*, it is enacted, and 8 G. 1. 6. Sec. 7.

“ That all and every the members of Parliament and justices of the peace for the time being of the several counties, in the said first recited act mentioned to be respectively next adjacent to the respective works therein specified and provided for, should from thenceforth be and were thereby respectively appointed commissioners for the same; and that they, or any five or more, of them for the time being, should at all times thereafter

Vol. V. 4 R “ have,

23 G. 2. 5.

25 G. 2. 10.

29 G. 2. 10.

Recital of

2 G. 1. 12.

A D. 1729. Chap. 3. “ have, exercise, and use the same and the like powers and authorities in all things relating to the said respective works, for which they were respectively thereby appointed commissioners, as the commissioners appointed by the said first recited act, or any seven, or other *quorum* or number, of them might or ought to have had, exercised, or used by force or virtue of the said recited act:” and whereas the said commissioners having only power by the said acts to contract with undertakers for carrying on the said works at their own private expence, the great charge, that must necessarily have attended the same, hath discouraged private persons from the undertaking thereof: and whereas the encouraging of tillage, and employing the poor in this kingdom, will be of great benefit to the same, and it is reasonable and fit, that works of such publick benefit and advantage should be carried on at the charge of the kingdom by some publick fund appointed and set apart for that purpose, and that an equal number of commissioners should be appointed for each of the provinces in this kingdom for the due application thereof to the ends and uses aforesaid: be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the lord lieutenant, or other chief governor or governors of this kingdom for the time being, his grace Hugh lord archbishop of Armagh, primate and metropolitan of all Ireland, and the archbishop of Armagh for the time being, the right honourable Thomas Wyndham esquire, lord high chancellor of Ireland, and the lord high chancellor or lord keeper of the great seal of Ireland for the time being, the lord archbishop of Dublin, the lord archbishop of Cashel, and the lord archbishop of Tuam for the time being, the right honourable Sir Ralph Gore baronet, speaker of the house of commons, and the speaker of the house of commons for the time being, and the several and respective persons herein after named: (that is to say) for the province of Munster, the right honourable James earl of Barrimore, the right honourable Thomas earl of Kerry, the right honourable Marcus lord viscount Tyrone, the right honourable Thomas lord baron Southwell, the right honourable John Rogerson esquire, lord chief justice of his Majesty’s court of King’s bench, Sir Robert Maude baronet, the right honourable James Tynte esquire, the right honourable Benjamin Parry esquire, the right honourable Richard Tighe esquire, Samuel Walter Whitshed esquire, Edward Worth esquire, Richard Bettsworth esquire, Henry Rose esquire, Thomas Carter esquire, Eaton Stannard esquire, Eyre Evans esquire, Robert Marshal

Commissioners therein having power to contract only at their private expence, persons discouraged from undertaking: a publick fund should be appointed, and equal number of commissioners for each province.

Commissioners named for executing the powers in 2 G. 1. 12. and in this act.

For Munster,



Marshall esquire, Arthur Blennerhasset esquire, Stephen Bernard A. D. esquire, and John Fitz-Gerald esquire; for the province of Leinster, the right honourable Robert earl of Kildare, the right honourable Chaworth earl of Meath, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the honourable Henry Singleton esquire, his Majesty's prime serjeant at law, Maurice Keating esquire, John Rochford esquire, Cæsar Colclogh esquire, William Conolly esquire, Jeffery Paul esquire, Luke Gardiner esquire, Thomas Burgh senior esquire, doctor Thomas Trotter, Samuel Burton esquire, the honourable Thomas Marlay esquire, his Majesty's attorney general, Richard Warburton senior esquire, Patrick Wymes esquire, James Hamilton esquire, James Stopford esquire, and the right honourable Marmaduke Coghill esquire; for the province of Ulster, the right honourable James lord viscount Charlemont, the right honourable Clotworthy lord viscount Massareen, the right honourable Brinsly lord viscount Lanesborough, the right reverend John lord bishop of Clogher, Robert Cope esquire, Charles Coot esquire, Arthur Hill esquire, the right honourable Henry Maxwell esquire, Francis Lucas esquire, Henry Brook esquire, the right honourable Sir Gustavus Hume baronet, Arthur Dobbs esquire, Robert Lindsay esquire, the honourable Gustavus Hamilton esquire, Robert Magill esquire, the honourable Michael Ward esquire, one of the justices of his Majesty's court of King's bench, Sir Arthur Acheson baronet, the honourable Humphrey Butler esquire, John Moore esquire, and John Folliot of the city of Dublin esquire; for the province of Connaught, the right reverend Sir Thomas Vesey baronet lord bishop of Ossory, the right reverend Robert lord bishop of Killalla, the right honourable George lord Saint George, the right honourable lieutenant general Owen Wynne, Sir Arthur Gore baronet, Sir Henry King baronet, Sir Edward Crofton baronet, Henry Bingham esquire, John Bingham esquire, Joshua Cowper esquire, Henry Sandford esquire, Arthur French esquire, Francis Burton esquire, Robert French esquire, Thomas Staunton esquire, John Staunton esquire, Walter Jones esquire, William Vesey esquire, Owen Wynne esquire, and Agmondisham Vesey esquire, shall be and are hereby appointed commissioners for putting in execution the powers in the said first recited act and herein mentioned.

II. And be it further enacted by the authority aforesaid, That the said commissioners hereby appointed in pursuance of this act, or any eleven or more of them, shall and may meet and assemble themselves at the Tholsel of the city of Dublin on the first Monday in the month of May next, and afterwards at such times, and

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Leinster,

Ulster,

Connaught,

Said commissioners, or any 11, may meet at such time and place as they think fit.

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Commis-  
sioners may  
meet, as by  
their warrant,  
to impanel a  
jury, for pur-  
poses in 2 G.  
1. 12. and  
determine  
that matter  
only.

In 30 days  
after notice of  
death of a  
commissioner,  
survivors shall  
give notice in  
the gazette,

and the sur-  
vivors for the  
province shall  
in 30 days af-  
ter, or in de-  
fault of notice  
in 6 weeks af-  
ter the death,  
meet at usual  
place in Dub-  
lin,

and the ma-  
jority (not  
less than 5)

III. Provided always, and be it enacted by the authority aforesaid, That when and as often as the said commissioners, hereby or hereafter to be appointed by virtue of this act, shall find it necessary to issue their warrant to any sheriff to summon and impanel a jury for the purposes in the said first recited act mentioned, then and in such case it shall and may be lawful to and for the said commissioners to meet at such time and place, as in such warrant shall be appointed for the appearance of such jury, and there to determine the matter for which such jury shall be summoned, and no other; any thing herein before contained to the contrary in any wise notwithstanding.

IV. And be it further enacted by the authority aforesaid, That within thirty days after notice of the death of any of the said persons herein before appointed commissioners for the said respective provinces, or of any other person, who shall hereafter be chosen a commissioner pursuant to this act, the surviving commissioners for the time being shall, and they are hereby required to, give publick notice in the Dublin Gazette of the death of such commissioner, and the surviving commissioners for the time being of the province, for which the person so dying is hereby or hereafter shall be nominated, shall within thirty days after such notice given, and in default of such notice, then within six weeks after the death of such commissioner, assemble themselves together at the usual place of meeting in the said city of Dublin of all the commissioners hereby appointed, or hereafter to be appointed by virtue of this act; and the majority of the commissioners for the said province so assembled, being not less than five, shall and may elect

elect by balloting another person in the place or stead of the person so dying, and so from time to time, to the end the number of twenty commissioners may be always kept full for each respective province within this kingdom, and shall certify such election and appointment in writing under their hands and seals to the clerk for the time being, appointed by all the commissioners hereby appointed or hereafter to be appointed by virtue of this act, who is hereby required to keep the same, and to make an entry thereof in a book to be by him kept for that purpose; and if the commissioners of the said province, for which the person so dying is or shall be appointed by virtue of this act, shall neglect to nominate or appoint in manner aforesaid another in the place of the person so dying, then and in such case it shall and may be lawful to and for all the commissioners, hereby appointed or hereafter to be appointed by virtue of this act, or any eleven or more of them, from time to time to elect and appoint a fit and proper person in the place of such person so dying, first giving six weeks publick notice in the Dublin Gazette of the death of such person, and of the province for which he was commissioner, and likewise of the time and place of such intended election.

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shall elect another by ballot, and so keep 20 for each province full; and certify election to the clerk, who is to enter it.

on default of such election, all the commissioners, or 11, may elect, giving 6 weeks notice in gazette.

V. And to the end a fund may be provided towards carrying on the said works, and for employing the poor, and improving of tillage in this kingdom: be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March, which will be in the year of our lord one thousand seven hundred and thirty, during the term of twenty one years from thence next ensuing, there shall be throughout this his Majesty's kingdom of Ireland granted, raised, levied, and paid to his Majesty, his heirs and successors, the several rates and duties herein after mentioned: (that is to say) for and upon every coach, berlin, chariot, calashe, and chaise with four wheels, within this kingdom, not used for hire, the sum of twenty shillings, to be paid yearly on the tenth day of January during the said term of twenty one years; the first payment thereof to be made on the tenth day of January, which will be in the year of our Lord one thousand seven hundred and thirty; and for and upon every chaise, calashe, and chair with two wheels in this kingdom, not used for hire, the sum of five shilling *sterling* yearly, to be paid at such times as aforesaid; which said rates and duties shall be collected and levied by such person or persons, and by such ways and means, and in such manner, as the duty on fire-hearths, and other places used for firing and stoves, is collected and raised by virtue of an act made in this kingdom in the fifteenth year of the reign of King Charles the second, intituled, *An act for establishing an additional revenue upon his Majesty, his heirs and successors, for the better support of his*

as a fund for said works shall be raised from 25 March 1730 for 21 years the following duties, 23 G. 2. 5. continued 21 years.

on 4 wheeled carriages, not for hire, 20 s. yearly.

2 wheeled carriages 5 s.

levied as by 15 C. 2. 17.

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4 S

and

A. D. 1729. *and their crown and dignity*, or by virtue of one other act made in this kingdom in the eighteenth year of the reign of the said King Charles the second, intituled, *An additional act for the better ordering and collecting the revenue arising by hearth-money*, as fully and effectually to all intents and purposes as if the said acts were particularly mentioned, expressed, and enacted again in the body of this present act; with like remedy of appeal to and for the party grieved, as in and by the said act is provided.

Owners of such carriages shall in a month certify to the collector an account thereof and place of residence.

to be kept and entered by collectors,

who shall once a year give a list of coaches, &c. so returned to them to those appointed to collect the duties, who are to give acquittances without fee, keep duplicates, and return as for duty on hearths.  
25 G. 2. 10. altered.

VI. And for the better securing the payment of the said duties to his Majesty, his heirs and successors, during the said term of twenty one years, be it further enacted by the authority aforesaid, That every person or persons, who on the twenty sixth day of March one thousand seven hundred and thirty or after shall have or keep any coach, berlin, chariot, calashe, chaise, or chair, chargeable with the said duty by virtue of this act, shall within one calendar month after the said twenty sixth day of March, or within one month after he or she shall have or keep any such coach, berlin, chariot, calashe, chaise, or chair, by writing under his or her hand certify to the collector of the district, where he or she shall reside or dwell, a true account of all such coaches, berlins, chariots, calashes, chaises, or chairs, which he, she, or they shall have or keep for his or her own use, or for any other person, with the name of the place and parish of his or her usual residence or abode; which said certificates shall be kept by the respective collectors of the several districts in this kingdom, now or hereafter to be appointed by the commissioners of his Majesty's revenue in this kingdom, or any three or more of them, and shall be also entred in a book to be by them respectively kept for that purpose, and a number shall be entred on each certificate registered; and the said collectors are hereby respectively required under their hands once in every year before the tenth day of January to give a true list of all coaches, berlins, chariots, calashes, chaises, or chairs, from time to time returned to them respectively in such certificates, with the names of the persons and places of their abode respectively mentioned in such respective certificates, to the persons who for the time being shall be appointed as aforesaid to collect the said duties; and the said persons hereby appointed to collect and receive the said duties on coaches, berlins, chariots, calashes, chaises, or chairs, shall respectively sign and deliver acquittances without fee or reward for the same, and shall keep duplicates thereof in a book to be kept for that purpose, in the same manner as acquittances are given and kept for the said duty on fire-hearths, and shall respectively return the book containing the duplicates of such acquittances to such person and persons, and at the same times, and to be disposed of in the same manner, as books containing the duplicates



duplicates of acquittances for the said duty on fire-hearths are returned. **A. D. 1729.**

VII. And be it further enacted by the authority aforesaid, Chap. 3. That if any person or persons shall have or keep any coach, berlin, chariot, calashe, chaise, or chair, chargeable with the said duty by virtue of this act, which shall not be certified in manner aforesaid, and the same shall be made appear by the oath of one or more witness or witnesses before any two justices of the peace of the county, which oath the said justices are hereby empowered to administer, where such person or persons so keeping such coach, berlin, chariot, calashe, chaise, or chair, shall reside; then and in such case every such person and persons so having or keeping such coach, berlin, chariot, calashe, chaise, or chair, not certified as aforesaid, shall for such neglect forfeit the sum of five pounds; to be levied by distress and sale of the offenders goods by warrant under the hands and seals of such two justices of the peace, rendering the overplus of the money arising by sale of such goods (if any) to the owner thereof; one moiety of the said forfeiture to be paid to the collector of the district, where such forfeiture shall be levied, for the uses in this act mentioned, and the other moiety to the informer.

Penalty for keeping coaches, &c. not certified, 5*l*. on oath before 2 justices, 25 G. 2. 10. altered.

to the collector for uses in this act, and informer.

VIII. Provided always, That no person shall be subject to the said penalty for the omission of any coach, berlin, chariot, calashe, chaise, or chair, in such certificate, for which he or she would not have been farther chargeable by this act.

IX. Provided also, and be it further enacted by the authority aforesaid, That no person shall be chargeable or charged with more than twenty shillings in any one year for or on account of the said duty, herein before granted to his Majesty.

None charged with more than 20*s*. in one year.

X. Provided nevertheless, That every person, not being a coach-maker, having in his or her keeping or possession any coach, berlin, chariot, calashe, chaise, or chair, belonging to another, shall be charged for such coach, berlin, chariot, calashe, chaise, or chair, with the said duty imposed by this act, in the same manner as the owner or proprietor thereof is or ought to be charged or chargeable for the same by this act.

Persons, not coach-makers, having the coaches, &c. of others, charged.

XI. And be it further enacted by the authority aforesaid, That the person or persons, who for the time being shall be authorized and empowered to collect and levy the said duty on coaches, berlins, chariots, calashes, chaises, and chairs, shall forthwith pay the same to the said respective collectors of the several districts, where the said duties shall be collected and raised; and the said collectors are hereby required to keep separate and distinct accounts thereof, and to pay the same into his Majesty's treasury, as other money received by them for the use of his Majesty.

Said duties, when levied, shall be paid to collector of the district,

who shall keep separate accounts thereof, and pay it into treasury.

XII. And

**A. D. 1729.** **Chap. 3.** **XII.** And be it further enacted by the authority aforesaid, That all and every person or persons that shall collect, levy, or receive the said duties, or any part thereof, shall be accountable to his Majesty for the same, and shall be subject to the like penalties and forfeitures for not rendering a true account thereof and paying the same in manner aforementioned, as the persons, employed in collecting, levying, and receiving the said duty of hearth-money, are and stand lyable unto for not rendering a true account thereof.

Persons levying account-  
able as  
for hearth-  
money;

**XIII.** And be it further enacted by the authority aforesaid, That the persons hereby appointed to collect the said duties on coaches, berlins, chariots, calashes, chaises, and chairs, shall in the first place respectively be sworn to collect the same duly and faithfully, and to make and deliver a true account of all their respective receipts pursuant to this act, according to the best of their power and skill; which oath shall be administered by the said respective collectors, who shall give a certificate thereof, if thereunto required.

and first  
sworn before  
the collector.

**XIV.** And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, during the term of twenty one years from thence next ensuing, there shall be raised, levyed, collected, and paid unto his Majesty, his heirs and successors, for all playing-cards and dice, which during the term aforesaid shall be made fit for sale or use in this kingdom, or imported into the same, the several duties following: (that is to say) for every pack of such cards made in this kingdom the sum of six pence, and for every pack of such cards imported into this kingdom the sum of twelve pence, over and above the duties now payable to his Majesty for the same; and for every pair of such dice the sum of five shillings, over and above the duties now payable to his Majesty for the same; which said duties upon such cards and dice made in, or imported into, this kingdom, shall be paid by the makers or importers thereof respectively.

9 Anne 23.  
sec. 39. Eng.  
Duty on  
cards and dice  
for 21 years,  
besides the  
duties now  
payable.  
23 G. 2. 5.  
21 years fur-  
ther.

by maker  
6d. per pack:  
importer  
12 d.

Dice, 5 s.  
every pair.

**XV.** And be it further enacted by the authority aforesaid, That the duties upon such cards and dice imported, hereby granted, shall be levyed and brought into his Majesty's Exchequer, by such ways and means, and in such manner and form, and under such penalties and forfeitures, as any of his Majesty's duties of excise or new impost on goods imported are by any laws now in force to be levyed and brought into the said Exchequer; with like remedy of appeal to and for the party grieved, as in and by the said law is provided.

Import-du-  
ty brought in-  
to Exchequer  
as the excise  
or new impost  
is.

**XVI.** And

XVI. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March no person or persons shall during the said term of twenty one years set up or exercise the imployment of making cards or dice, or shall make, or cause to be made, any cards or dice in any town or place in this kingdom but in the cities of Dublin and Corke, or the respective liberties thereof: and that every person or persons, who shall set up or exercise the imployment of making cards or dice, or shall make, or cause to be made, cards or dice in any part of this kingdom, except in Dublin or Cork, or within the liberties of them respectively, shall for every such offence forfeit the sum of fifty pounds.

XVII. And be it further enacted by the authority aforesaid, That all makers of playing-cards or dice in the said cities of Dublin and Cork after the said twenty fifth day of March, before they shall respectively begin to make any such cards or dice, shall give or send notice in writing under their respective hands of the usual house or place, where they shall respectively make or intend to make the same; which notice shall be given or sent to the collector of the port of Dublin by all persons, that make or intend to make cards or dice in the said city of Dublin, or the liberties thereof; and the like notice shall be sent to the collector of the port of Cork by all persons, who shall make or intend to make cards or dice in the said city of Cork, or the liberties thereof; and as often as any person or persons shall set up or exercise the imployment of making of cards or dice, or shall make or cause to be made any cards or dice in any house or place whatsoever within the said cities of Dublin and Cork, or the liberties thereof respectively, during the said term of twenty one years, the like notice shall be given or sent; upon pain that every person making default in giving such notice as aforesaid, for every such offence shall forfeit the sum of fifty pounds; and that all and every person or persons, who shall during the said term of twenty one years make or cause to be made any cards or dice in any house or place not notified as aforesaid, shall for every such offence forfeit the sum of fifty pounds, and shall also forfeit the cards and dice, and all materials for making cards and dice, which shall be found in such house or place, or which shall have been made or manufactured there, before such due notice shall have been given; and that no materials whatsoever begun to be wrought for or towards the making of cards or dice shall be removed from the place, where the same shall have been begun to be wrought, until the same shall have been compleatly made and worked ihto cards or dice, or the duties for the cards or dice therewith intended to be made shall be paid to his Majesty; upon

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Cards or dice shall be made only in Dublin or Cork.

penalty, 50*l*.

Makers thereof shall first give collector of the port notice of the place where, &c. on pain of forfeiting 50*l*. and the materials.

Materials begun to be wrought shall not be removed till compleated, or said duty paid.

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Penalty,  
double duty,  
to the King  
and informer.  
Officers  
may enter in  
day time, and  
take account  
of cards and  
dice made.

Penalty for  
refusal, 50*l*.

Not to be  
removed till  
marked as by  
commissioners  
of revenue  
appointed,

on pain of  
forfeiture and  
treble value.

Makers  
once in 14  
days shall  
make entry on  
oath of all  
made in the  
time; and  
once in 28  
days clear all  
duties:

penalty  
20*l*. for not  
entring, and  
double duty  
for non-pay-  
ment.

Penalty  
20*l*. for con-  
cealment.

All said pe-  
nalties to the

pain that every person, who shall remove, or cause, or permit to be removed, any such materials contrary to the true meaning thereof, shall forfeit double the amount of the duties on cards or dice, which might be made from or with such materials; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to the person or persons who shall inform or sue for the same; and that all and every such person and persons shall permit the proper officer or officers, hereby appointed for collecting and receiving the said duties on cards and dice, in the day time to enter any house or place wherein cards or dice shall be making or made, and take an account of the cards and dice there made, under the penalty of fifty pounds for every refusal thereof; and that no maker of such cards or dice, chargeable with the said duties by this act, shall at any time remove, or suffer the same to be removed, from the house or place of making thereof, until such mark upon the dice, and such seal, mark, or stamp upon the paper and thread inclosing every pack of cards, and until such mark on one of the cards of each pack on the painted or spotted side shall be put, as the commissioners of his Majesty's revenue in this kingdom for the time being, or any three or more of them, shall from time to time devise and appoint in writing under their hands, to denote the charging the said duties; upon pain of forfeiting all such cards and dice, and treble the value thereof, as shall be removed contrary to this act.

XVIII. And be it further enacted by the authority aforesaid, That the said makers of cards or dice during the said term of twenty one years shall once in every fourteen days make true entry upon oath with the collectors for the time being of the said ports of Dublin and Cork respectively, or in their absence before the customer, comptroller, or surveyor of the said respective ports (which oath the said collectors, customer, comptroller, or surveyor, are hereby respectively impowered to administer) of all the cards and dice by such makers thereof respectively made within the time, for which every entry ought to be made; and shall once within every twenty eight days clear all duties owing by such maker of cards and dice, by paying the same to the collector of the port of Dublin and the collector of the port of Cork respectively; upon pain of forfeiting the sum of twenty pounds for every default in making such entry, and double the duty for non-payment thereof.

XIX. And be it further enacted by the authority aforesaid, That every maker of cards and dice, who shall endeavour to defraud his Majesty by any concealment or undue entry, shall for every such offence forfeit the sum of twenty pounds; and that all the penalties and forfeitures imposed by this act in relation



tion to the duties on cards and dice shall be divided: (to wit) A. D. one moiety thereof to the King's Majesty, his heirs and successors, 1729, and the other moiety thereof to such person or persons as shall Chap. 3. first seize, inform, or sue for the same.

XX. And be it further enacted by the authority aforesaid, That King and in- former. Commissioners of revenue to appoint in writing the mark or stamp; and persons to keep and affix of the same, it shall and may be lawful to and for the commissioners of his Majesty's revenue for the time being, or any three or more of them, and they are hereby authorized and impowered, to devise and appoint in writing under their hands from time to time such mark, stamp, or seal, as they shall think fit to be put upon all dice, and the paper and thread enclosing every pack of cards, and on one of the cards of each pack on the painted or spotted side thereof, which shall be made in this kingdom, or imported into the same, from and after the said twenty fifth day of March one thousand seven hundred and thirty, to denote the charging the said duties; and also from time to time to appoint a fit and proper person in the said ports of Dublin and Cork respectively, who shall have the custody and keeping of such mark, stamp, or seal, and shall from time to time put such mark or stamp upon all dice, and such mark or seal upon the paper and thread enclosing every such pack of cards, and on one of the cards of each pack on the painted or spotted side thereof, which shall be duly entered, and for which the duties imposed by this act shall be duly paid to the said collectors respectively; and the persons, who shall be so appointed to mark, stamp, and seal cards and dice pursuant to this act, shall have and receive during their respective continuance in the said office the yearly sums following: (that is to say) the person, who shall be appointed to mark, stamp, or seal cards and dice in the city of Dublin, the yearly sum of twenty pounds; and the person, who shall be appointed to mark, stamp, or seal cards or dice in the city of Cork, the yearly sum of ten pounds; which said yearly sum shall be paid them quarterly, by the said respective collectors of the said ports of Dublin and Cork out of the said duties hereby charged on cards and dice.

whose salary in Dublin, 20l. yearly: 7 G. 2. 12. additional salary. in Cork 10l. payable quarterly by collector out of the duties.

XXI. And for preventing any mistake or fraud in stamping or marking any cards or dice not duly entered, or for which the duties imposed by this act shall not have been duly paid: be it further enacted by the authority aforesaid, That the collectors of the said ports of Dublin and Cork respectively, or in their absence their respective clerks, shall upon the request of the person or persons, who shall duly enter any cards or dice, and pay the duties imposed thereon by this act, certify in writing under his hand the number of pairs of dice and packs of cards, which shall have been so entered, and for which the said duties shall have

Collectors shall on request, after such entry and payment, certify the numbers, and names and abodes of the persons:

**A. D. 1729.** have been so paid; and also the names and places of abode of such persons, who shall have made such entries, and paid the said duties; upon the delivery of which said certificate to the person, who for the time being shall be appointed to keep the said mark, stamp, or seal, the said person so appointed shall enter the said certificate in a book delivered him by the collectors of Dublin and Cork, to be kept by him for that purpose, and afterwards with all convenient speed shall mark, stamp, or seal, such and so many pair of dice and packs of cards, as shall be mentioned to be contained in such certificate; and the person marking, stamping, or sealing the same, is hereby required to enter under the said certificate in the said book, to be kept for that purpose, the number of the pairs of dice, and packs of cards, as he shall so mark, stamp, or seal, pursuant to the said certificate, with the days and times of his so marking, stamping, and sealing the same, till the full number of pairs of dice and packs of cards, which shall be contained in such certificate from the said collector or his clerk, shall be duly marked, stamped, and sealed, pursuant to this act; which said book at the end of every year, or oftner, if required by the commissioners of his Majesty's revenue, or by any three or more of them, shall be returned to the said commissioners to be examined by them, or any other person or persons to be appointed by them, or any three or more of them, to examine the same.

The book to be returned to said commissioners.

Penalty on refusing to mark, *s. l.* to the King and party.

Days of marking Tuesday, and Thursday: between 9 and 12, and 2 and 4, and 7 G. 2. *s. 2.* Saturday.

Duty on cards made and unfold before said 25 March, 4*d.* dice 3*s.* and 4*d.*

**XXII.** And be it further enacted by the authority aforesaid, That if any person appointed as aforesaid to mark, stamp, or seal, such cards or dice, shall wilfully neglect or refuse to mark, stamp, or seal the number of pairs of dice or packs of cards contained in such certificate, then the person so neglecting or refusing shall forfeit for every such default the sum of five pounds; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the person injured: provided that no person shall be obliged to mark, stamp, or seal any dice or cards but twice in every week: (that is to say) on Tuesday and Thursday in every week, and between the hours of nine in the morning and twelve at noon, and between the hours of two and four in the afternoon on the said days.

**XXIII.** And be it further enacted by the authority aforesaid, That there shall be raised, levied, and collected to his Majesty, his heirs and successors, for and upon all cards and dice, which shall be made and remain unfold in the hands of any person or persons trading or dealing therein before the twenty fifth day of March one thousand seven hundred and thirty, the several and respective rates and duties herein after mentioned: (that is to say) for and upon every pack of such cards the sum of four pence, and

and for and upon every pair of such dice the sum of three shillings and four pence; and that all such playing cards and dice, as shall be made and finished before the twenty fifth day of March one thousand seven hundred and thirty, shall before the twenty fifth day of May one thousand seven hundred and thirty be brought to the office of the collectors of the said ports of Dublin or Cork, and upon oath made, that the same were actually made and finished in this kingdom before the said twenty fifth day of March one thousand seven hundred and thirty, which oath the collectors of the said ports of Dublin and Cork are hereby respectively empowered to administer; and upon payment of the duties hereby charged on the same to the said collectors respectively, the said collectors are hereby respectively required to certify the payment of such duties, and the number of pairs of dice and packs of cards, for which the said last mentioned duties shall be so paid; and upon delivering such certificate to the person to be appointed as aforesaid to seal, mark, or stamp, such dice and cards; he shall forthwith seal, mark, or stamp in manner aforesaid such cards and dice, as are last mentioned, with such seal, mark, or stamp, as the said commissioners, or any three or more of them, shall provide or appoint, to denote the duties hereby charged on such cards and dice; and that all playing-cards and dice, which shall not be brought to the said offices of the said collectors of the ports of Dublin and Cork, or one of them, and for which the duties hereby charged shall not be paid, and touching which such oath as aforesaid shall not be made before the twenty fifth day of May one thousand seven hundred and thirty, shall be adjudged and deemed to be cards and dice made after the twenty fifth day of March one thousand seven hundred and thirty, and shall be charged accordingly with the full duties imposed by this act on cards and dice.

XXIV. And for the better securing the said duties on cards and dice; be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and thirty, and during the continuance of the duties hereby imposed, no playing-cards or dice shall be sold, or exposed to sale, or played with, which shall not be sealed, marked, or stamped, as by this act is required, upon pain that every person, who shall from and after that time, and during the continuance of the duties hereby imposed, sell, or expose to sale, or knowingly play with any such cards or dice, which shall not be respectively sealed, marked, or stamped, as by this act is required, shall forfeit for every pack of such cards, and every one of such dice so sold, or exposed to sale, or played with, the sum of ten shillings *sterling*; the one moiety thereof to his Majesty, his heirs and successors,

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brought to collectors before 25 May, and oath made of being finished before 25 March,

on certificate of payment, to be stamped as aforesaid.

if sold, exposed, or played with, not marked,

Penalty 10 s. to King and informer.

25 G. 2. 10. against further and frauds therein.

A. D. and the other moiety to him or them that shall first inform, prosecute, or sue for the same.

1729. Chap. 3. XXV. And be it further enacted by the authority aforesaid,

Counterfeiting the mark, or vending knowingly, &c. felony without clergy.

That if any person or persons shall at any time or times counterfeit or forge any seal, stamp, or mark, to resemble any seal, stamp, or mark, which in pursuance of this present act shall be provided to denote the payment or charging of any the duties on cards or dice payable by this act, or shall counterfeit or resemble the impression of the same upon any cards or dice, or any thread and paper enclosing any cards, thereby to defraud his Majesty, his heirs or successors, of any of the said duties upon cards and dice, or shall utter, vend, or sell any cards or dice, with such counterfeit seal, stamp, or mark, knowing the same to be counterfeit, or shall privately or fraudulently use any seal, stamp, or mark, to be provided and used in pursuance of this act, relating to the said duties upon cards and dice, so as thereby to defraud his Majesty, his heirs or successors, of any of the said duties upon cards and dice, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony without the benefit of clergy or of the statute.

Revenue officers may enter in day-time where cards or dice made, &c. or into publick gaming house, and search.

25 G. 2. 10. any persons may be authorized by the corporation.

Penalty for refusal, 10 l. as aforesaid.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any officer or officers of his Majesty's revenue in this kingdom to enter after the said twenty fifth day of March one thousand seven hundred and thirty in the day-time into any house or place, where cards or dice are or shall be made, sold, or exposed to sale, or suspected to be privately made, or into any publick gaming-house, room, or place, and there to search or see what quantity of cards and dice shall be making, and whether the cards and dice so sold, or exposed to sale, or so used in play, be duly sealed, marked, and stamped, according to the true meaning of this act; and if the owner or occupier of any house or place, where cards and dice shall be made, sold, or exposed to sale, or of any such publick gaming-house as aforesaid, shall at any time or times refuse entrance or liberty of search to such officer or officers, such owner or occupier shall for every such refusal forfeit the sum of ten pounds, to be divided as aforesaid.

may be removed without marking or paying duty, if in a month after made security for double the

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to remove any cards or dice from the place, where the same shall be made without sealing, marking, or stamping the same, or paying any the duties imposed thereon by this act: provided within one month after the same shall be made, and before the same shall be removed from the place of the making thereof, a bond be entred into to his Majesty, his



his heirs and successors, with sufficient surety, in a penal sum of double the duties chargeable on such cards or dice, with a condition for exporting such cards and dice to some part or port beyond the seas within a time to be limited in such bond, and that the same or any of them shall not be relanded in any part of Ireland; and that such bond be left in the hands of the collector of the port of Dublin or the collector of the port of Cork respectively, where such cards or dice shall be entred for exportation, and a certificate be given by such collector, that such bond is entred into with relation to such cards and dice: and provided the master of the ship or vessel, in which such cards or dice are to be exported, shall make oath before the collector of the port of Dublin or Cork, where such cards and dice shall be shipped, that to the best of his knowledge and belief the same are not intended to be relanded, and that he will not suffer the said cards and dice, or any of them, to be relanded, in any part of this kingdom, unless in case of real distress; which oath the said collector of Dublin and Cork respectively are hereby impowered to administer.

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duty given to export in limited time, and not reland.

The bond left with collector,

Certificate thereof.

Oath by captain of the ship that not intended to reland, and not to suffer it, unless real distress.

XXVIII. And be it further enacted by the authority aforesaid, That all and every the duties hereby granted to his Majesty, his heirs and successors, on cards and dice, and all pecuniary penalties and forfeitures exceeding ten pounds, and all forfeitures of cards or dice, and the materials of or for making thereof, imposed by this act in relation to the same, shall, during the said term of twenty one years, be raised, collected, recovered, and levied, by such ways and means, and in such manner and form, as are appointed, directed, and expressed, in and by an act made in this kingdom, in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise and new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue or excise in this kingdom, with the like remedy of appeal to and for the party grieved, as in and by the said act of excise is provided.

said duties, and penalties above 10 l. and forfeitures, levied as by 14 C. 2. 8. or other revenue law in force.

XXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two or more justices of the peace for the time being of the county, residing near to the place where any pecuniary forfeitures, not exceeding ten pounds, upon this act of Parliament, touching any of the duties hereby imposed upon cards and dice, shall be incurred, to hear and determine the same; which said justices of the peace are hereby authorized and required upon complaint made in that behalf, within two calendar months after the offence committed, to summon the party accused, and also the witnesses on either side; and if upon the appearance or contempt of the party accused,

2 justices of the county, near the place, may determine penalties not above 10 l.

On complaint, in 2 months after offence, shall summon.

sed,

**A. D.** fed, and examination of the witness or witnesses on oath; which  
 1729. the said justices are hereby impowered to administer, he shall be  
 Chap. 3. convicted of the offence alledged against him, then to award and  
 issue out warrants under their hands and seals to any constables  
 of the said county, for levying any penalties so adjudged on the  
 goods of the offender, and to cause sale to be made thereof; in  
 case the same shall not be redeemed within six days, rendering  
 to the party the overplus (if any); and if any party shall find  
 himself aggrieved by the judgment of the said justices, then he or  
 they shall and may complain or appeal to the justices of the peace  
 at the next general quarter-sessions for that county, who are  
 hereby impowered to summon and examine witnesses upon oath,  
 and finally to hear and determine the same; and in case of con-  
 viction to issue warrants for levying the penalties as aforesaid, and  
 also for levying of the goods of the appellants such sum not ex-  
 ceeding forty shillings, as the said justices shall appoint for the  
 costs of such appeal, to be paid to the informer.

and on con-  
 viction issue  
 warrant to le-  
 vy, and sell if  
 not redeemed  
 in 6 days.

Appeal to  
 sessions,

40 s. costs a-  
 gainst appel-  
 lant, to infor-  
 mer.

Duty for 21  
 years on  
 wrought gold  
 or silver plate  
 imported or  
 made in Ire-  
 land, 6 d. per  
 ounce *troy*, be-  
 sides duties al-  
 ready imposed.  
 23 G. 2. 5.  
 continued 21  
 years.

XXX. And be it further enacted by the authority aforesaid,  
 That from and after the said twenty fifth day of March one  
 thousand seven hundred and thirty, during the said term of twenty  
 one years from thence next ensuing, there shall be raised, levied,  
 collected, answered, and paid unto his Majesty, his heirs and  
 successors, for and upon all gold or silver plate wrought or manu-  
 factured, which shall be imported and brought into the kingdom  
 of Ireland, and for and upon all gold or silver plate to be made  
 or wrought within the same, the several and respective rates and  
 duties following: (that is to say) for and upon all gold or silver  
 plate made, or to be made, which, at any time or times after the  
 said twenty fifth day of March one thousand seven hundred and  
 thirty, during the said term of twenty one years, shall be im-  
 ported or brought into the said kingdom of Ireland, over and  
 above all other customs and duties already imposed thereon, a duty  
 at the rate of six pence for every ounce *troy*, and so propor-  
 tionably for a greater or lesser quantity, to be paid down in  
 ready money by the importer thereof; and for and upon all gold  
 or silver plate, which shall be made or wrought in Ireland at any  
 time or times from and after the said twenty fifth day of March  
 one thousand seven hundred and thirty, during the said term of  
 twenty one years, a duty at the rate of six pence for every  
 ounce *troy*, to be paid by the makers or workers thereof re-  
 spectively.

Said duty on  
 plate imported  
 levied as the  
 duty on cards  
 and dice im-  
 ported.

XXXI. And be it further enacted by the authority aforesaid,  
 That the said duty by this act imposed upon wrought plate,  
 to be imported after the said twenty fifth day of March one  
 thousand seven hundred and thirty, during the said term of  
 twenty

twenty one years, shall be raised, levyed, recovered, and paid to A. DA his Majesty, his heirs and successors, by such rules, ways, means, 1729. and methods, and under such penalties and forfeitures, as the Chap. 3. duties upon cards and dice imported, imposed by this act, are prescribed and appointed to be raised, levyed, recovered, answered, and paid.

XXXII. And for the better securing the said duty upon wrought plate made in Ireland; be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and thirty, during the said term of twenty one years, no gold-smith, silver-smith, or other person whatsoever, working or trading in wrought or manufactured gold or silver, shall sell or expose to sale, barter, or exchange any gold or silver plate, vessel, or manufacture of gold or silver, unless it be silver-wire, or such things not exceeding four penny weight, which in respect of their smallness are not capable of receiving a mark, until such time as such plate, vessel, or manufacture of gold or silver, shall be assayed, touched, and marked, in manner and form hereafter prescribed in that behalf, upon pain of forfeiting the value thereof, to be recovered by civil bill before the judges of assize in their respective circuits, and at the sessions of the county of Dublin and county of the city of Dublin by any person, who shall discover and sue for the same, where the value shall not exceed the sum of ten pounds; and where the value shall exceed the sum of ten pounds, then the same shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at the Four courts in Dublin; one moiety, where the value of such forfeiture shall exceed the sum of ten pounds, to his Majesty, his heirs and successors, to the uses in this act mentioned; the other moiety to him or them that shall first discover and sue for the same.

XXXIII. And be it further enacted by the authority aforesaid, That all gold or silver plate wrought or manufactured in Ireland after the said twenty fifth day of March one thousand seven hundred and thirty, during the said term of twenty one years, shall be assayed by the assay-master, now or hereafter to be appointed by the fraternity or company of gold-smiths in the city of Dublin; and after such assay made, if such gold plate shall be found conformable to the standard of twenty two carrats of fine gold in every pound Troy, and if such silver plate shall be found conformable to the standard of eleven ounces two penny weight fine silver in every pound Troy, then the same shall be touched by the wardens of the said fraternity or company, and marked with the marks now used for that purpose; and after the same shall be touched and marked as aforesaid, then the said duty of six pence

For securing the duty on plate wrought in Ireland, no goldsmith, or barter the same (unless silver wire, &c. not above 4 penny weight) till assayed and touched, 25 G. 2. 10. Penalty also on buyer.

On pain of forfeiting the value, by civil bill, to informer, if not above 10l. if above, by action of debt, to King and informer.

6 G. 1. 11. Eng. Plate wrought in Ireland shall be assayed by the master appointed by goldsmith's company; if conformable to standard, 22 carrats fine gold in every pound, and 11 ounces 2 penny weight fine silver, then to be touched and marked;

**A. D.** *per* ounce imposed by this act shall be paid by the person bringing such plate to be assayed and touched, for every ounce of such plate so assayed and touched, and so proportionably for a greater or lesser quantity (except before excepted) over and above all other duties now payable for assaying and touching the same, to the said assay-master, who is hereby empowered and required upon receipt of the said duty to stamp or mark without fee or reward the said plate with such stamp or mark, as the commissioners of his Majesty's revenue for the time being, or any three or more of them, shall from time to time appoint; and after the stamping or marking thereof, as aforesaid, the said assay-master for the time being, is hereby required from time to time to enter in a book, to be by him kept for that purpose, the several quantities of wrought or manufactured plate, so by him stamped or marked, and the names of the owners or proprietors of such plate, and the days and times of stamping or marking thereof, and the duty imposed by this act received by him; upon receipt of which said duty the said assay-master shall give an indented receipt, numbered under his hand, for the said duty, to the person or persons who shall pay the same; a duplicate of which said indented receipt shall be kept by him in a book bound for that purpose.

**XXXIV.** And be it further enacted by the authority aforesaid, That the said assay-master for the time being shall once at least in every month bring into his Majesty's Exchequer all such sum or sums of money, by him received for or upon account of the duty hereby imposed by this act upon plate, and pay the same to the vice-treasurer or vice-treasurers, his or their deputy or deputies, for the time being, who is and are hereby required to give acquittances for the same in the manner as for any other his Majesty's revenue.

**XXXV.** And be it further enacted by the authority aforesaid, That the said assay-master for the time being shall once in every year, or oftner, if thereunto required by the commissioners of his Majesty's revenue for the time being, or any three or more of them, return and lodge with them the said books, containing an account of the duties received by him by virtue of this act, and duplicates of receipts given by him for the same.

**XXXVI.** And be it further enacted by the authority aforesaid, That the said assay-master for the time being, before he shall be empowered to mark such plate, or receive any duty imposed by this act on the same, shall be sworn to the due and faithful execution of his office in assaying such plate, and stamping or marking the same, pursuant to this act; and also to bring into his Majesty's Exchequer once every month at the least all moneys received by him for or on account of the duties hereby imposed on plate, except

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Chap. 3.

then said duty to be paid, and assay-master shall, without fee, stamp as by the commissioners directed.

and enter the quantities, names of owners, times of stamping, and duty received;

and give indented receipt for the duty, numbered, and keep a duplicate in a book:

and once a month bring into Exchequer sums received,

and pay to vice-treasurer, who is to give acquittances;

and once a year, or oftner if required, lodge said books with commissioners.

and by 25 C. 2. 10. once a year give account to corporation for inland navigation.

he shall be first sworn by the commissioners.



except as hereafter is excepted; which said oath shall and may be administred by the commissioners of his Majesty's revenue for the time being, or any three or more of them, who shall give to such officer a certificate thereof.

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XXXVII. And be it further enacted by the authority aforesaid, That the assay-master for the time being, before he shall be allowed to stamp or mark any such plate, or receive any duty thereon by virtue of this act, shall with sufficient security, to be approved of by the said commissioners for the time being, or any three or more of them, enter into a bond of the penalty of one thousand pounds to his Majesty, his heirs or successors, for the due and faithful execution of his office, and the trust reposed in him by this act; which said bond shall be forthwith lodged in the office of the chief remembrancer of his Majesty's court of Exchequer.

and shall, with sufficient security, give bond 1000*l*.

lodged in Exchequer.

XXXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times counterfeit or forge any stamp or mark to resemble any stamp or mark, which in pursuance of this present act shall be provided to denote the payment or charging the duty on plate or manufactures of plate payable by this act, or shall counterfeit or resemble the impression of the same upon any plate or manufactures of plate, thereby to defraud his Majesty, his heirs or successors, of any part of the said duty upon plate or manufactures of plate, or shall utter, vend, or sell any plate or manufactures of plate with such counterfeit stamp or mark, knowing the same to be counterfeit, or shall privately or fraudulently use any stamp or mark to be provided and used in pursuance of this act, relating to the said duty on plate or manufactures of plate, so as thereby to defraud his Majesty, his heirs or successors, of any part of the said duty upon plate or manufactures of plate, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as a felon without benefit of clergy.

Counterfeiting or forging the stamp or mark, or vending knowingly, &c. felony without clergy.

XXXIX. And be it further enacted by the authority aforesaid, That the officer, appointed by this act to stamp or mark plate or manufactures of plate to denote the payment of the said duties thereon, shall have and detain out of those duties the yearly sum of twenty pounds for his salary and reward for the execution of the said office; any thing herein contained to the contrary notwithstanding.

Stamp officer shall detain out of the duties 20*l*. yearly salary. 15 G. 2. 6. additional salary:

XL. And be it further enacted by the authority aforesaid, That the moneys arising from the said duties imposed by this act, and his Majesty's moiety of all penalties and forfeitures by virtue of this act (the necessary charges of raising the same excepted) shall

said duties, and the King's moiety of forfeitures, brought into Exchequer for purposes in

A. D. 1729. Chap. 3. shall from time to time be brought into the receipt of his Majesty's Exchequer for the purposes in this act expressed ; and shall from time to time without any fee or deduction be paid by the vice-treasurer or receiver-general of this kingdom, to the said commissioners, hereby or hereafter to be nominated in pursuance of this act, on their warrant or warrants under their hands, or the hands of the major part of the said commissioners then present (such major part not to be less than eleven in number) without any further or other warrant to be sued for, had, or obtained in that behalf ; and that the said commissioners hereby or hereafter to be nominated by virtue of this act, or the major part of them then present, such major part not being less than eleven, shall have full power, and are hereby authorized and impowered from time to time, to lay out, apply, and dispose of the moneys arising from the said duties imposed by this act, and every or any part thereof for the encouragement and improvement of tillage, employment of the poor, draining and improving bogs, and unprofitable low-grounds, making of the several rivers navigable, and making of canals for the easing and dispatching the inland carriage, and conveyance of goods and merchandize from one part to another within this kingdom, by such ways and means, and in such manner and proportion, and at such times, as they shall think most fit and convenient, except by giving or making any premium or allowance upon or in respect of the exportation of corn out of this kingdom.

this act, and paid to commissioners by this act named, on their warrant,

to be applied for encouragement of tillage, &c. as they think fit,

except allowance for exportation of corn.

11 Commissioners may appoint tolls on boats, goods, and passengers on rivers, &c. made navigable,

levied as by them appointed, and as by 2 G. 1. 12. directed.

25 G. 2. 10. further powers. 29 G. 2. 10.

and no other toll.

Said tolls applied to repair locks or works on rivers, as by them directed.

**XLI.** And be it further enacted by the authority aforesaid, That the commissioners hereby or hereafter to be appointed by this act, or the major part of them then present, such major part not being less than eleven, shall and may from time to time appoint such tolls, rates, or duties, for and upon all boats, goods, merchandizes, and passengers navigating or passing in or upon any river, stream, cutt, or canal made navigable or passable in pursuance of this or the said first recited act; to be collected, levied, and received by such person or persons, as the said commissioners, or any eleven or more of them, shall from time to time appoint, and by such ways and means, and in such manner and form, as the tolls, rates, or duties, in the said first recited act mentioned and intended to be thereby payable to the undertakers therein named for the river Shannon, are by the said act appointed to be collected, levied, and received ; and that no other toll, rate, or duty, shall be paid or payable for navigating or passing any such river, stream, cutt, or canal, save such as shall from time to time be appointed as aforesaid ; and that all and every the tolls, rates, and duties, which shall be collected, levied, and received as aforesaid, the necessary charges of collecting the same to be ascertained

tained by the said commissioners, being first deducted, shall from A. D. time to time be applied and laid out in repairing and keeping 1729. up the several locks, and other works, which shall be made in Chap. 3. pursuance of this or the said first recited act, upon such rivers, streams, or canals, from the navigation whereof such tolls, rates, or duties shall respectively arise, in such manner and proportion as the said commissioners, or any eleven or more of them, shall from time to time direct or appoint, and to no other use, intent, or purpose whatsoever; and that the said commissioners, or any eleven or more of them, shall and may from time to time enter into contracts and make bargains with any workmen, artificers, or other person or persons, for the making and doing all and every or any part of the said works, and all other matters and things whatsoever in and about the premises; and shall also from time to time and at all times hereafter make such orders, by-laws, and regulations for the better execution of the trusts, powers, and authorities reposed in them, with such penalties for the breach thereof, as they, or any eleven or more of them, shall think reasonable; and shall and may issue out their warrants for all and every sum and sums of money, that shall be so imposed or affect for such breaches, to be levied in such manner as the tolls, rates, or duties, by the said first recited act appointed to be paid, are therein directed to be levied; provided such by-laws, and the penalties for the breach thereof be agreeable to the laws of this realm, and be first approved of and signed by the lord chancellor, or lord-keeper of the great seal of this kingdom, and the three chief judges for the time being, or any two or more of them.

Said commissioners to contract with workmen;

make by-laws, &c. with penalties,

and issue warrants for breach, as by 2 G. 1. 12.

such by-laws being lawful and approved by lord chancellor, &c. 29 G. 2. 10.

XLII. And be it further enacted by the authority aforesaid, That if any action, suit, or information, shall be commenced or prosecuted against any person or persons for any thing, that he or they shall do, or cause to be done, in pursuance of this or the first recited act, all and every such person or persons, so sued in any court whatsoever, shall and may plead the general issue, and give this and the said first recited act and the special matter in evidence; and if any such suit the plaintiff or prosecutor shall become nonsuit, or forbear prosecution, or discontinue the suit, or if a verdict shall pass against him, or judgment be given against him upon a demurrer, then in any of the said cases the defendant or defendants shall recover full costs; for which he and they shall have the like remedy, as where costs by law are allowed.

Persons sued for acting may plead general issue, &c. and have full costs on nonsuit, &c.

XLIII. And be it further enacted by the authority aforesaid, That the said commissioners, or the major part of them then present, such major part not being less than eleven, shall and may appoint a clerk

Said commissioners may appoint necessary servants, and salaries, not a-

A. D. 1729. Chap. 3. a clerk and door-keeper, and other necessary servants, and appoint proper salaries for them respectively, not exceeding in the whole the sum of seventy pounds *per annum*, to be paid out of the said duties granted as aforesaid.

bove 70 l. per ann. in the whole, out of said duties.

25 G. 2. 10. additional salaries & offices.

Commissioners shall provide books, to enter receipts and disbursements.

XLIV. And be it further enacted by the authority aforesaid, That there shall from time to time be provided and kept by the said commissioners one or more book or books; in which all and every sum and sums of money, which shall be received by them in pursuance of this act, and also all sum and sums of money disbursed, laid out, or expended in or about the premises, shall from time to time be fairly set down and entered, expressing the time when, and the name of the person or persons to whom the same were paid, and for what use or purpose such payment was made.

XLV. And whereas by an act of Parliament made in the fourteenth and fifteenth years of the reign of his late Majesty King Charles the second, intituled, *An act for settling the subsidy of poundage, and granting a subsidy of tonnage and other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates thereunto annexed*, a certain duty of twelve pence of English money of every twenty shillings value of any of the native commodities of this realm, or manufacture wrought of any such commodities to be carried out of this realm, according to the value thereof expressed in the book of rates thereunto annexed, is made payable to his said late Majesty King Charles the second, his heirs and successors; in which book of rates each stone, containing eighteen pounds of Irish wooll exported, is rated at the value of one pound five shillings, and a duty of five pounds *per centum*, is made payable for all goods inward or outward not rated: and whereas by one other act of Parliament made in the first year of his present Majesty's reign, intituled, *An act for the more effectual preventing several frauds and abuses committed in his Majesty's customs and excise, and for settling the rates of certain goods and merchandizes not particularly valued in the book of rates*, it is enacted, that from and after the first day of June one thousand seven hundred and twenty eight the several rates and values therein specified and set against the several goods and merchandizes therein mentioned shall be the rates and values of such goods and merchandizes respectively, according to which his Majesty's duties of customs shall be paid, computing the duties of customs after the rate of twelve pence for every twenty shillings value of such goods and merchandizes; amongst which bay-yarn exported is valued at fifteen shillings the great stone, and woollen-yarn exported is valued

14 & 15 C. 2. 9.

1 G. 2. 6.

valued at eight shillings the great stone : and whereas the re-  
pealing and taking off the said duties will be a means to prevent  
the clandestine exportation of those commodities, and an encour-  
agement to frair traders : be it therefore enacted by the autho-  
rity aforesaid, That from and after the first day of May in the  
year of our Lord one thousand seven hundred and thirty the  
said duties of poundage upon wooll, bay-yarn, and woollen-  
yarn, exported out of this kingdom to that part of Great-Bri-  
tain called England, and all powers and authorities to demand,  
collect, or receive the said duties, or any of them, and all penal-  
ties and forfeitures to be incurred for non-payment thereof, shall  
cease and be absolutely discharged and repealed.

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Duties of  
poundage on  
wool, bay-  
yarn, and  
woollen-yarn  
exported,  
taken off.

#### C H A P. IV.

*An act for the more effectual preventing and further punishment  
of forgery, perjury, and subornation of perjury, and to make it  
felony to steal bonds, notes, or other securities for payment of mo-  
ney, and for the more effectual transporting felons, vagabonds,  
and others.*

**W**HEREAS it has been found by experience, that the  
laws now in being are not sufficient to prevent the per-  
nicious and abominable crimes of forgery, perjury, and suborna-  
tion of perjury : be it enacted by the King's most excellent Ma-  
jesty, by and with the advice and consent of the lords spiritual  
and temporal and commons in this present parliament assembled,  
and by the authority of the same, That if any person from and  
after the first day of May in the year of our Lord one thousand  
seven hundred and thirty shall falsly make, forge, or counterfeit,  
or cause or procure to be falsly made, forged, or counterfeited, or  
willingly act or assist in the false making, forging, or counter-  
feiting, any deed, last will or testament, bond, writing obligato-  
ry, bill of exchange, promissory note for payment of money,  
to the value of five pounds, endorsement or assignment of any  
bill of exchange or such promissory note for payment of money,  
or any acquittance, or receipt, either for money or goods to the va-  
lue of five pounds, with intention to defraud any person whatso-  
ever, or shall utter or publish as true any false, forged, or  
counterfeited deed, last will or testament, bond, writing obliga-  
tory, bill of exchange, such promissory note for payment of mo-  
ney, endorsement or assignment of any bill of exchange, or such  
pro-

2 G. 2. 25.  
Eng.  
The laws  
against forgery  
and perjury  
insufficient.  
28 Eliz. 3.

Forging or  
counterfeiting  
a deed, will,  
obligation,  
bill, or note  
for money, va-  
lue 5 l. in-  
dorsement or  
assignment,  
acquittance or  
receipt for mo-  
ney or goods  
of 5 l. to de-  
fraud,  
or uttering  
the same,  
knowingly.

A. D. 1729. Chap. 4. promissory note for payment of money, such acquittance or receipt either for money or goods, with intention to defraud any person knowing the same to be false, forged, or counterfeited; then every such person being thereof lawfully convicted according to the due course of law shall be deemed guilty of felony, and shall either be admitted to the benefit of clergy, or of the statute, and be burned in the hand, or shall be transported, in such manner as other felons are, or shall be transported at the discretion of the court, before which such offender shall be convicted.

*Felony, admitted to benefit of clergy, or the statute, or transported, at discretion of the court. 17 G. 2. 11. excluded from clergy, &c.*

*28 Eliz. 1. For perjury or subornation, besides former punishment, to be sent to house of correction, or transported, 7 years,*

*escaping, breaking prison, or returning, death without benefit of clergy or the statute, tried where escape, or where apprehended.*

*Stealing or robbing securities for money, felony of same nature as if goods of like value stolen.*

II. And the more effectually to deter persons from committing wilful and corrupt perjury, or subornation of perjury; be it further enacted by the authority aforesaid, That besides the punishment already to be inflicted by law for so great crimes, it shall and may be lawful for the court or judge, before whom any person shall be convicted of wilful and corrupt perjury, or subornation of perjury according to the laws now in being, to order such person to be sent to some house of correction within the same county for a time not exceeding seven years, there to be kept to hard labour during all the said time, or to be transported to some of his Majesty's plantations beyond the seas for a term not exceeding seven years, as the court shall think most proper, and thereupon judgment shall be given, that the person convicted shall be committed or transported accordingly over and besides such punishment, as shall be adjudged to be inflicted on such person agreeable to the laws now in being; and if transportation be directed, the same shall be executed in such manner, as is or shall be provided by law for the transportation of felons; and if any person so committed or transported shall voluntarily escape, or break prison, or return from transportation before the expiration of the time, for which he shall be ordered to be transported as aforesaid, such person being thereof lawfully convicted shall suffer death as a felon without benefit of clergy or of the statute, and shall be tried for such felony in the county, where he so escaped, or where he shall be apprehended.

III. And be it further enacted by the authority aforesaid, That if any person or persons after the said first day of May one thousand seven hundred and thirty shall steal or take by robbery any Exchequer acquittance, debenture, bills of exchange, goldsmiths, or bankers notes for payment of money, bonds, warrants, bills, or promissory notes for the payment of any money, being the property of any other person or persons, or of any corporation, notwithstanding any of the said particulars are termed in law a Chose in action, it shall be deemed and construed to be felony of the same nature, and in the same degree, and with or without

out the benefit of clergy, or of the statute, in the same manner as it would have been, if the offender had stolen or taken by robbery, any other goods of like value with the money due on such Exchequer acquittance, debenture, bills of exchange, goldsmiths, or bankers notes, bonds, warrants, or notes, or secured thereby and remaining unsatisfied; and such offender shall suffer such punishment, as he or she should or might have done, if he or she had stolen other goods of the like value with the money due on such Exchequer-acquittance, debenture, bills of exchange, bonds, warrants, or notes respectively, or secured thereby and remaining unsatisfied; any law to the contrary thereof in any wise notwithstanding.

IV. Provided always, and be it further enacted by the authority aforesaid, That no attainder for any offence hereby made felony shall make or work any corruption of blood, loss of dower, or disherison of heirs.

V. And whereas the sums of money ordered by the laws now in force for transporting felons, vagabonds, and other offenders, to his Majesty's plantations in America are so very small, that the masters of Ships and vessels bound thither refuse to carry them to America, by which means great numbers of them are confined in goals under sentence of transportation to the great charge of the county: be it therefore further enacted by the authority aforesaid, That where any felon, vagabond, or other offender, who now is or hereafter shall be convicted of any offence, for which such person is or shall be liable to transportation by this or any former statute, or presented by the grand-jury as a vagabond in order to be transported; the grand-juries at the several assizes, or in the King's bench, or on any commission of oyer and terminer, or at the general quarter-sessions of the peace for the county of Dublin, or county of the city of Dublin, instead of the sum formerly ordered for the transportation of felons, vagabonds, and other offenders, may present any sum of money not exceeding six pounds for the effectual transportation of each person so convicted or presented, in which shall be included a sum not exceeding twenty shillings for transmittal of such persons so to be transported as aforesaid; which sum or sums, when presented and levied, shall be paid by the treasurers of the respective counties, where such persons have or shall be convicted or presented for transportation, to the sheriff or sheriffs of the several respective counties; and the sheriffs of the respective counties are hereby directed, upon such presentments being made, forthwith to transmit such offender or offenders to one of the sea-port towns or cities, where by the law now in force they

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are

A. D.

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Chap. 4.

Attainder of felony by this act, no corruption of blood, loss of dower or disherison.

Sums for transporting felons, &c. too small:

great number in the gaols.

Grand juries may present 6 l. for transporting felons, &c.

including 20 s. for transmittal:

paid by treasurer to sheriff,

who shall transmit to sea-port, where ships ready to sail to America, to the chief magistrate;



A. D. 1729. Chap. 4. are obliged to send them, where there are any ships ready to sail to any of his Majesty's plantations in America, and to deliver over such offender or offenders to the chief magistrate of such city or town with the respective sums presented, after deducting so much as is allowed in the presentment for transmittal fees; and the chief magistrate of each sea-port, city, or town, to whom such offender or offenders are delivered, is to deliver over such offender or offenders, with the several sums paid to him by the sheriff or sheriffs, to such master or masters of ships or vessels who contract for the transportation of such offender or offenders; and the chief magistrate is hereby required to give a receipt for the money so paid to him, and for the offenders so brought and delivered to him.

who shall deliver offenders, with the sums paid by sheriff, to the master contracting.

VI. And whereas in certain cases the grand-juries have a power of recommending convict felons to mercy, and such felons now are burnt in the hand and dismissed: be it further enacted by the authority aforesaid, That from and after the first day of March one thousand seven hundred and twenty nine such felons convicted so recommended shall be either burned in the hand, or transported to the plantations in the common manner, at the discretion of the court or judge, before whom such offender shall be convicted.

Felons recommended to mercy by grand jury, burned in the hand or transported, at discretion of the court.

VII. And be it further enacted by the authority aforesaid, That this act shall be publickly read in open court at the three next general assizes in every county of this kingdom after the commencement of this act.

To be read at 3 next assizes.

VIII. Provided that this act shall continue and be in force three years from the first day of May one thousand seven hundred and thirty, and to the end of the then next session of Parliament, and no longer.

Continuance 3 years, &c. continued 7 G. 2. 7. & 9 G. 2. 6. as to transporting felons, &c. and the whole act by 13 G. 2. 4. & by 29 G. 2. 8. for 21 years, &c.



CHAP. V.

*An act for continuing several temporary statutes made in this kingdom, and now near expiring, and for the amendment of other statutes therein mentioned.*

WHEREAS in a Parliament held at Dublin the twelfth day of November in the year of our Lord one thousand seven hundred and fifteen, in the second year of the reign of our most gracious sovereign lord King George the first, an act was made and passed, intituled, *An act to make the militia of this kingdom more useful*, which said act was enacted to continue in force to the twenty fourth day of June one thousand seven hundred and eighteen, and from thence hath been continued by virtue of several other acts of Parliament to the first day of December one thousand seven hundred and twenty nine; and to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the fourth year of the reign of his said late Majesty, intituled, *An act for the preserving all such ships and goods thereof, which shall happen to be forced on shoar, or stranded upon the coasts of this kingdom*, hath been by several acts of Parliament from time to time continued, and was further continued by an act made in the tenth year of the reign of his said late Majesty for seven years from the twenty fifth of December one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual preventing the running of goods, and for the further preventing frauds committed in his Majesty's customs*, hath been by several acts from time to time continued, and was further continued by an act made in the tenth year of the reign of his said late Majesty for seven years, from the twenty fifth day of December one thousand seven hundred and twenty three, and from thence to the end of the then next session of Parliament, and no longer: and whereas an act passed in this kingdom in the tenth year of the reign of his said late Majesty, intituled, *An act for regulating abuses committed in buying and selling of cattle and sheep in the several markets in this kingdom*, was continued by an act made in the twelfth year of the reign of his said late Majesty,

2 G. I. 9.  
Militia.

4 G. I. 4.  
Wreck.

6 G. I. 8.  
Custom &  
excise.

10 G. I. 10.  
Cattle.

A. D. 1729. jefty, to the first day of December one thousand seven hundred and twenty eight, and to the end of the then next session of Chap. 5. Parliament, and no longer: and whereas an act passed in this kingdom in the twelfth year of the reign of his said late Majesty, intituled, *An act to prevent the fraudulent and clandestine importing of goods*, which act was to continue till the twenty fifth day of March one thousand seven hundred and twenty eight, and to the end of the then next session of Parliament, and hath been continued by an act made in the first year of the reign of his present gracious Majesty till the twenty fifth of March one thousand seven hundred and thirty, and to the end of the then next session of Parliament, and no longer; which said acts are now near expiring, but being found to be useful, are therefore fit to be continued: be it therefore enacted by the King's most

<sup>12 G. I. 2</sup>  
Custom &  
excise.

All said acts  
continued to  
25 March  
1737, &c.

excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said several acts herein before mentioned, and all and every clause, article, and proviso therein contained, shall be continued in full force, as they now stand, to all intents and purposes to the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and thirty seven, and from thence to the end of the then next session of Parliament, and no longer.

<sup>4 G. I. 7.</sup>  
Barracks &  
light-houses.

II. And whereas an act passed in this kingdom in the fourth year of the reign of his said late Majesty, intituled, *An act for vesting in his Majesty, his heirs and successors, the several lands, tenements, and hereditaments, whereon the barracks in this kingdom are built or building, or contracted for, and whereon light-houses are or shall be built, and for making reasonable satisfaction to the several owners and proprietors for the same; and likewise for amending an act made in the sixth year of her late Majesty's reign, intituled, An act to prevent the disorders that may happen by the marching of soldiers, and for providing carriages for the baggage of soldiers in their march*; by which act certain powers are given to the lord lieutenant, and other chief governor or governors of this kingdom for the time being, to issue commissions under the great seal of this kingdom, to be executed and returned within the space of seven years from the twenty fifth day of December one thousand seven hundred and seventeen, with divers other powers, authorities, regulations, and provisions concerning barracks and light-houses, and the building and erecting the same, and the lands whereon the same should be built, and the making contracts for such lands, and giving recompence to the owners thereof

continued  
10 G. I. 4.

of for the same, which powers were continued by an act made A. D. in the tenth year of the reign of his said late Majesty : and 1729. whereas the said act has in that respect been found useful, and to Chap. 5. answer the end proposed thereby, and fit to be continued, and is now near expiring : be it enacted by the authority aforesaid, That all the powers, authorities, regulations, and provisions aforesaid, and all and every article, clause, and proviso in the said act contained concerning barracks and light-houses; or either of them, shall continue in force until the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred and thirty seven, and from thence to the end of the then next session of Parliament, and no longer.

Further continued, as to barracks and light-houses, to 25 Dec. 1737, &c. and by 11 G. 2. 13. 10 24 June 1758, &c. and by 29 G. 2. 8. for 21 years, &c.

III. And whereas in the last mentioned act, made in the fourth year of his said late Majesty's reign, no provision is made for any hospital for the sick soldiers of his Majesty's army : be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners, appointed to execute the powers in the last mentioned act given, or any three or more of them, to take surveys of, and more particularly to describe, ascertain, abutt, and bound, the ground whereon any hospital is built or building for the sick soldiers of his Majesty's army, and to do every act and thing for determining and ascertaining the yearly rent of such ground for ever, which they are impowered to do with regard to the ground, whereon the barracks are built, by the last mentioned act, as effectually and fully as if the said hospital or hospitals had been particularly mentioned in the said act together with the barracks and light-houses ; any thing in the said act, or any other act to the contrary, notwithstanding.

No provision in 4 G. 1. 7. for hospitals for soldiers : Commissioners therein may ascertain ground, &c. for said hospitals, as fully as if in said act mentioned.

IV. And whereas an act passed the last session of Parliament, which was in the first year of the reign of our present most gracious sovereign King George the second, intituled, *An act for regulating the price and affize of bread and the markets*, which was to continue for two years from the first day of June one thousand seven hundred and twenty eight, and to the end of the next session of Parliament after the said two years : and whereas by experience the said act is found to be extremely useful, and is now near expiring : be it enacted by the authority aforesaid, That the said act, and every clause, article, and proviso therein contained, shall be continued, and be in full force to all intents and purposes, to the twenty fifth day of March, which shall be in the year of our Lord God one thousand seven hundred and fifty one, and from thence to the end of the then next session of Parliament, and no longer.

1 G. 2. 16. Bread.

continued to 25 March 1751. and 4 years 23 G. 2. 8. expired.

A. D. V. And whereas by an act made in the tenth year of the  
 1729. reign of his said late Majesty, intituled, *An act for continuing  
 Chap. 5. and amending an act, intituled, An act for the better regulating the  
 parish-watches and amending the highways in this kingdom, and  
 for the preventing the misapplication of publick money, and also for  
 establishing a regular watch in the city of Dublin, and to prevent  
 mischiefs which may happen by graving ships in the river Liffy, it  
 is enacted, "That so much of the said act made in the tenth year  
 of his said late Majesty's reign, as relates only to the city of  
 Dublin and the liberties thereunto adjoining, shall be in force for  
 seven years from the first day of March in the year of our Lord  
 one thousand seven hundred and twenty three, and from thence-  
 forth to the end of the then next session of Parliament, and no  
 longer :"*

continued  
as to Dublin  
and the liber-  
ties to 25  
March 1737,  
&c.  
and by se-  
veral statutes,  
and by 1 G. 3.  
17. revised,  
and conti-  
nued 7 years,  
&c.

and whereas the said part of the said act relating only to  
 the city of Dublin and the liberties thereto adjoining has been  
 found to be very useful : be it further enacted by the authority  
 aforesaid, That so much of the said act made in the tenth year of  
 the reign of his said late Majesty, as relates only to the city of  
 Dublin and the liberties thereunto adjoining, shall be continued  
 in full force to all intents and purposes to the twenty fifth day  
 of March, which shall be in the year of our Lord one thousand  
 seven hundred and thirty seven, and from thence to the end of  
 the then next session of Parliament, and no longer.

1 G. 2. 13. VI. And whereas by an act passed in the first session of this  
 Sec. 1. present Parliament, intituled, *An act for explaining and amending  
 Prisoners. several laws made for amending the highways and roads in this king-  
 dom, and for the application of the six days labour, it is enacted,  
 "That no money shall be raised on any county or barony upon  
 "any presentment to be made at any general quarter-sessions to  
 "be held for any county except for the county of Dublin, and  
 "the county of the city of Dublin, but for the use of the  
 "houses of correction and the keepers thereof," upon which  
 clause some doubts have arisen, whether the justices of the peace  
 at the general quarter-sessions, and the mayor, portreeve, so-  
 vereign, sheriffs, bailiffs, aldermen, and other head-officers of  
 the cities, boroughs, places, and towns corporate, which be  
 counties of themselves, can tax and levy money for and towards  
 the relief of prisoners, by force and virtue of the statute for that  
 purpose made in this kingdom in the eighteenth year of the  
 reign of King Charles the second, intituled, *An act for relief of  
 poor prisoners* : to the intent therefore that the said doubts may be  
 explained, and for the better relief of poor prisoners ; be it enact-  
 ed by the authority aforesaid, That from and after the first day  
 of March one thousand seven hundred and twenty nine no  
 money*

Doubts  
thereupon.

18 C. 2. 8.

No money  
shall be raised  
for poor pri-  
soners but by  
presentment

money shall be raised or levied in any county in this kingdom for relief of poor prisoners, but by presentment of the grand-juries at the general assizes to be held for the said respective counties, and at the quarter-sessions to be held for the county of Dublin, and county of the city of Dublin; and that all sums of money so to be raised for the use of the poor prisoners, and levied according to the usual methods of raising publick money, shall be by the respective treasurers of the said counties paid to the respective ministers of the parishes, wherein the goals for such counties are respectively kept, or in the absence of such minister to his curate; and the money so to be received by the said minister or curate, or so much thereof as to them shall seem necessary, shall be by them and the church-wardens of the said parishes weekly distributed to or laid out in bread or other necessaries for the poor prisoners in the said goals, who have no means to maintain themselves, in such proportion as to the said minister or curate, and church-wardens, in their discretion shall seem fit and convenient; and that every of the said ministers or curates, and church-wardens, their respective executors and administrators, shall in open court at every general assizes to be held for the said counties respectively, and at the quarter-sessions to be held for the county of Dublin, and county of the city of Dublin respectively, make a just and true account upon oath of their receipts and payments; and if they or any of them shall refuse the receipt of the said money, and to pay and distribute the same, and to make a true account in manner and form aforesaid, they shall respectively by the judge or judges of assize at their assizes, and justices of the peace at their quarter-sessions to be held for the county of Dublin, and county of the city of Dublin, be fined in any sum not exceeding the sum of twenty pounds, to be levied and paid to the succeeding church-wardens for the use of the poor prisoners in the said goals respectively.

A. D.

1729.

Chap. 5.

of grand juries at assizes, and at quarter-sess. for Dublin, paid by treasurer to the minister or curate where the goal kept,

distributed by them and church-wardens weekly for poor prisoners,

accounted for on oath at assizes, and sessions in Dublin.

Penalty on refusal, not above 20 l. to succeeding church-wardens, for poor prisoners.



## C H A P. VI.

*An act for allowing further time to persons in offices to qualify themselves pursuant to an act, intituled, An act to prevent the further growth of popery.*

Persons who have incurred penalties by not qualifying according to *Act. 6.* indemnified :

their acts valid :

So as they take the oaths, &c. before 1 August 1730.

Not to restore to office already avoided by judgment, &c.

WHEREAS several persons well affected to his Majesty's government, and the church of Ireland, as by law established, have through ignorance neglected, or have been prevented by sickness or other accidental causes, to take and subscribe the oaths, and to make and subscribe the declaration, and to receive the Sacrament of the Lord's Supper, according to the directions of an act made in this kingdom, in the second year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties and forfeitures : be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, who have incurred any penalties and incapacities in the said act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged of and from all incapacities, disabilities, forfeitures, and penalties incurred by reason of such omission or neglect as aforesaid ; and that no act or acts done by them or any of them, or by authority derived from them or any of them, and not yet avoided, shall be questioned or avoided by reason of such neglect or omission ; but all such acts shall be and are hereby declared and enacted to be as good and effectual, as if all and every such person and persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration in manner as aforesaid ; any thing in the said act to the contrary notwithstanding : nevertheless so as such person or persons do and shall take and subscribe the said oaths, and receive the said sacrament, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as are directed and appointed by the said act *to prevent the further growth of popery*, on or before the first day of August, which shall be in the year of our Lord one thousand seven hundred and thirty.

II. Provided, That this act, or any thing therein contained, shall not extend to restore or intitle any person or persons to any office or employment already actually avoided by judgment of any of his Majesty's courts of record, or filled up by any other person : but that such office or employment shall be and remain in the person or persons, who is or are now intitled by law to the same, as if this act had never been made.

C H A P.

*An act for the better discovery of judgments in the courts of King's bench, Common pleas, and Exchequer at Dublin; and for the greater security of purchasers.*

**W**HEREAS by an act made in the seventh year of the reign of his late Majesty King William the third of glorious memory, intituled, *An act for prevention of frauds and perjuries*, it was enacted, “ That every judge or officer in his Majesty’s courts at Dublin, that should sign any judgment; “ should at the signing the same set down the day of the month “ and year of his so doing upon the paper-book, docket, or record, which he should so sign; which day of the month and “ year should be also entered upon the margent of the roll of the “ record where, the said judgment should be entered; and that “ such judgments as against purchasers *bona fide* for valuable considerations of lands, tenements, or hereditaments, to be charged “ thereby, should, in consideration of law be judgments only “ from such time, as they should be so signed:” and whereas great damage and inconveniency may happen not only to purchasers and mortgagees, but also to the heirs, executors, or administrators of persons deceased, by judgments entered upon record in his Majesty’s courts at Dublin notwithstanding the said law, by reason of the difficulty there is in finding out such judgments, in regard that after the signing of such docket or record by any of the judges or barons of his Majesty’s courts at Dublin, the plaintiff or his attorney do sometimes keep the docket or record so signed for a considerable time in his custody, before the same is brought to the proper court to be entered on record: for remedy whereof be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and thirty, upon the docket or record of every judgment acknowledged before and signed by any judge or baron of his Majesty’s court of King’s bench, Common pleas, or Exchequer as aforesaid, as soon as the same is brought into the proper office to be entered of record, the officer, whose business it is to enter the same, shall upon such docket or record mark the day of the month and year, that the same is brought

7 Wil. 3. 12.  
Sec. 10. & 11.  
recited.

Damage to  
purchasers,  
heirs, &c. by  
difficulty in  
finding out  
judgment; the  
docket when  
signed by the  
judge not being  
brought to  
be entered for  
a long time.

Upon the  
docket of  
judgment acknowledged  
and signed  
shall be marked  
the day of  
month and  
year on which  
brought to be  
entered,

A. D. 1729. Chap. 7. into the office to be entered upon record; which day of the month and year shall also be entered upon the margent of the roll of the record, where the said judgment shall be entered, as well as the day of the month and year when such judgment was acknowledged before and signed by the judge.

and also entered on the margin of the roll.

Judgments, as against purchasers or mortgagees *bona fide*, &c. only from such time as brought to be entered and signed by the officer,

and not have preference against heirs, executors, &c. but from that time.

Judgment frequently not entered for some time after delivery to officer, or after rule made;

no certificate thereof given on search, and purchasers thereby defeated.

4 & 5 W. & M. 20. Eng. The officer

shall enter in alphabetical docket judgment acknowledged and delivered, and rules for judgment on verdicts, &c. before the succeeding term, containing names of parties, abodes, additions, and debt or damages.

II. And be it further enacted by the authority aforesaid, That such judgments as against purchasers or mortgagees *bona fide* for valuable consideration of lands, tenements, or hereditaments, to be charged thereby, shall in consideration of law be judgments only from such time, as they shall be brought into the proper office to be entered of record, and signed by the proper officer on such docket or record as aforesaid, and shall not have any preference against heirs, executors, or administrators, in their administration of their ancestors testators, or intestates estates, but from the time aforesaid; any law or statute to the contrary notwithstanding.

III. And whereas it frequently happens in his Majesty's courts at Dublin, that dockets or records of judgments, after they are acknowledged and signed by a judge or baron, and delivered to the proper officer to be entered on record, are not entered for some time after such delivery; and that during the term rules for judgment are frequently made, upon which no judgment is entered upon the roll of record for some time after such rule is conceived; and of which dockets, records, and rules, unless judgment is entered upon the roll, the officer takes no notice, nor certifies any such docket, record, or rules, to any purchaser or mortgagee, who shall cause search to be made for judgments, whereby such purchaser or mortgagee may be defeated of the benefit of his purchase or mortgage, in case judgment shall be afterwards entered upon the roll of record, before the purchase or mortgage is completed: for remedy whereof be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and thirty, the proper officer of every court shall make, or cause to be made, and put into an alphabetical docket by the defendants names an entry of all cognovits or judgments acknowledged before any judge or baron, and delivered into the office, and of all rules for judgments upon verdicts, writs of inquiry of damages, demurrer, and every other rule for judgment for debt or damages made or conceived in any term, before the first day of the succeeding term; which entry shall contain the name or names of the plaintiff and plaintiffs, defendant and defendants, his, her, or their place or places of abode, and addition, if any such there be in the record, and the debt or damages recovered thereby; and when judgment is entered



entered upon the roll of record pursuant to such dockets or rules, such officer shall upon the margent of such alphabetical docket mention the term, when such judgment was entered; and that such respective dockets shall be fairly put into and kept in books in the respective offices of the respective officers of his Majesty's said courts at Dublin, to be searched and viewed by all persons at all reasonable times.

A. D.

1729.

and on margin thereof the term when judgment entered.

Said dockets kept in books in respective offices, to be searched.

IV. And whereas the clerks of the judgments of the said respective courts are to be at charge and trouble in execution of this act: for recompence whereof be it enacted by the authority aforefaid, That hereafter there shall be paid by the plaintiff or plaintiffs in every of the said judgments upon verdicts, writs of inquiry, demurrer, and every other judgment by them respectively to be entred, over and above the fees now due for the same, the sum of four pence, and no more.

Plaintiffs in said judgments shall pay 4d. besides fees now due.

V. Provided always, That this act shall continue and be in force for two years, and from thence to the end of the next session of Parliament, and no longer.

Continuance

2 years, &c.

further by

5 G. 2. 6. &

15 G. 2. 5.

and for 11

years, &c. by

25 G. 2. 6.

from 25 March

1753. &c.

C H A P. VIII.

*An act to enable his Majesty to purchase in the respective interests of the several persons, intituled to the houses and grounds adjoining to the new Parliament-house.*

WHEREAS by indenture, bearing date the fifth day of April one thousand seven hundred and twenty nine, made, or mentioned to be made, between the right honourable Benjamin Parry of the city of Dublin esquire, one of his Majesty's most honourable privy council of the kingdom of Ireland, of the one part, and his most Sacred Majesty George the second, by the grace of God of Great-Britain, France, and Ireland, King, defender of the faith, &c. of the other part, the said Benjamin Parry for the considerations therein mentioned did demise, grant, set, and to farm let, unto his said Majesty and his successors all that parcel of ground in the suburbs of the city of Dublin, whereon the house commonly called Chichester-house stood, and wherein both houses of Parliament lately sat, and all houses, messuages, out-houses, yards, backsides, courts, and parcels of ground in a survey to the said lease annexed particularly laid down and described, together with all and singular the lights, ways, easements, rights, members, and appurtenances, to all and singular the said demised premises belonging, or in any wise appertaining, to have and to hold all and singular the said thereby demised premises, or meant, mentioned, or intended to be thereby demised, with their and every of their appurtenances, unto his said Majesty and his successors without impeachment of waste, and with full liberty to pull down all the houses and out-houses, and other buildings, which then were, or should thereafter be built or erected on the premises or any part thereof, except the houses of the widow Burne, Mr. Brady, and Mr. Matthews, and Mrs. Lindsey, during only the continuance of their respective terms therein, and, after the expiration or other sooner determination of the said

Recital of a lease 5 April 1729, by Benjamin Parry to the King, of the ground whereon the Parliament-house stands, for 9999 years, without impeachment of waste, at the rent of 240 l. per ann. quarterly.

Saving for certain houses during their leases.

several

A. D.  
1729.  
Chap. 8.

Part of the  
premises granted  
by Dr. John  
Parry for years  
in trust for K. C.

2. Letters pat-  
ents 17 July 29  
C. 2. to Sir Will.  
Robinson for 90  
years, at 20 s.  
rent:

several houses  
built on the  
ground.

Convenient to  
purchase the se-  
veral interests  
for the publick.

Persons disa-  
bled to contract  
possessed of part.

Report of  
committee, ap-  
pointed this ses-  
sion to view, of  
several houses  
necessary to be  
purchased.

Part the estate  
of Benj. Parry,  
and not contain-  
ed in said lease:

that a good ti-  
tle may be made  
to the King,

and satisfacti-  
on to persons in-  
terested,

several and respective terms, with the like liberty of pulling down the said houses of the said widow Burne, Mr. Brady, Mr. Matthews, and Mrs. Lindsey, for and during and to the full end, term, time, and space of nine thousand years from the thirtieth day of April last past before the date thereof, and from thenceforth fully to be compleat and ended; his said Majesty and his successors yielding and paying therefore and thereout yearly and every year during the said term unto the said Benjamin Parry, his heirs and assigns, the rent or sum of two hundred and forty pounds *sterling*, lawful money of Great Britain, by even and equal quarterly payments, viz. on every thirtieth day of July, thirtieth day of October, thirtieth day of January, and thirtieth day of April, during the said term, clear rent, over and above all and all manner of taxes, charges, assessments, chimney or hearth-money, church, parish, and ministers dues, and all other taxes, treasury-fees, auditors fees, deductions, and impositions whatsoever, ordinary or extraordinary, charged or to be charged on the said demised premises, or any part thereof during the said term: and whereas part of the aforesaid premises was granted by the right reverend doctor John Parry to Sir Henry Ford knight deceased in trust for his late Majesty King Charles the second and his successors for a certain term of years: and whereas his said late Majesty King Charles the second, becoming possessed of the said premises by virtue of the said last recited lease, by his letters patents under the great seal of Ireland, bearing date the seventeenth day of July in the twenty ninth year of his reign, did grant, set, and to farm let, unto William Robinson esquire, afterwards Sir William Robinson knight, all those out-grounds and gardens belonging to Chichester-house, except as therein excepted, for the term of ninety years at and under the yearly rent of twenty shillings *per annum* payable into his Majesty's Exchequer, on part of which ground several houses and tenements have been built: and whereas it is convenient, that the several interests of the persons respectively deriving title under the said term of ninety years in the several grounds and houses thereon, which have been and are comprehended in and demised by the said grant for ninety years, should be purchased for the use and benefit of the publick: and whereas several infants, *femes covert*, and others incapable of conveying or contracting for their respective interests, are possessed of several of the said houses, tenements, and the grounds and appurtenances thereunto belonging, part of the premises demised by the said Benjamin Parry to his Majesty as aforesaid, for certain terms for years yet to come and unexpired: and whereas a committee of the house of commons, appointed this present session of Parliament to view the inlets and approaches leading to the said Parliament-house, and to consider how the same may be made more convenient, have reported, that there is an old house and shed on the west of the great committee-room in Turnstile-alley, adjoining to the said building, now in the possession of Robert Freeman, which is necessary to be purchased and removed, and also that there is a brick house on the north of the said building near adjoining thereto, in the possession of one Nathaniel Barker, which greatly obstructs the lights of the rooms of part of the said building, which is necessary to be purchased in and removed; and likewise that there are five small brick houses built on a piece of ground adjoining the said building, fronting to College-green, that are necessary to be purchased in and removed: and whereas the said old house and shed, now in the possession of the said Robert Freeman in the said report mentioned, and the ground and appurtenances thereunto belonging, are the estate and inheritance of the said Benjamin Parry, and are not contained in the said lease or demise to his Majesty: to the end therefore that a good and sufficient title in and to the several houses and tenements, and the grounds and appurtenances thereunto belonging, may be made to his Majesty and his successors for and during the remainder of the said term of nine thousand years granted by the said Benjamin Parry as aforesaid, and that all just and reasonable satisfaction may be given to the several and respective persons interested in or intitled to the said houses, tenements, grounds, and appurtenances, for their respective titles

titles and interests in and to such grounds, houses, tenements, and appurtenances : be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent Majesty, his heirs and successors, as often as there shall be occasion, by one or more commission or commissions under the great seal of Ireland, to be executed and returned within the term of two years from and after the twenty fifth day of March one thousand seven hundred and thirty to authorize and appoint any number of persons to be commissioners to execute the powers therein after mentioned ; which said commissioners, or any three or more of them, are hereby authorized and required to make a survey of such houses, tenements, and grounds, with all passages, ways, and appurtenances thereunto belonging ; and the said commissioners, or any three or more of them, are hereby further authorized and impowered to treat and agree with the owners and others interested in any of the said houses and tenements, grounds and appurtenances, for the purchase of their respective titles and interests in such houses or tenements, grounds and appurtenances, or for such certain yearly rents to be paid for the same for such time or term as they shall think fit and reasonable, not exceeding in the whole the term of nine thousand years from the thirtieth day of April one thousand seven hundred and twenty eight ; the said purchase money to be paid, or the said yearly rents to be paid, and payable half yearly or quarterly by his Majesty, his heirs and successors, unto such owners, proprietors, and tenants, of such houses, grounds, tenements, and appurtenances respectively, their heirs, executors, administrators, and assigns, according to such sales, contracts, and agreements; and according to the several and respective estates and interests of such owners, proprietors, and tenants of the said houses, tenements, grounds, and appurtenances, out of any of his Majesty's treasure and revenue, as is herein after enacted and appointed ; and in case any person or persons, bodies politick or corporate, ecclesiastical or civil, shall neglect or refuse to treat or agree as aforesaid, or through any disability by nonage, coverture, or special limitation in any settlement or settlements, or by reason of any other impediment, cannot, or otherwise howsoever refuse to, dispose of their respective interests in such houses, tenements, grounds, and appurtenances, in every such case the said commissioners, or any three or more of them, are hereby authorized and required to issue forth their warrant or warrants to the sheriffs of the county of the city of Dublin to impanel and return before the said commissioners at such times and places within the said county of the said city, as shall be appointed in such warrant or warrants, a sufficient jury of freeholders, who upon their oaths (which said oaths the said commissioners, or any three or more of them, are hereby impowered and required to administer) shall enquire into the true value of the interests of such person and persons in and to such houses or tenements, grounds, and appurtenances, ways or passages, to be absolutely sold, and of the respective yearly values thereof to be let ; and such verdict or inquisition, as shall be so found and returned by the said jury, ascertaining the value of such house or tenement, grounds and appurtenances, ways, or passages to be sold, or the yearly rent to be paid for the same, as also all such contracts and agreements as the said commissioners, or any three or more of them, shall make, shall be returned and certified to his Majesty into the court of Exchequer by the said commissioners, or any three or more of them, within thirty one days next after such verdict or inquisition found, or contracts or conveyances made thereof, to be entered among the records of the said court ; which said contracts or agreements, verdicts or inquisitions, shall be final and conclusive as well to his Majesty, his heirs and successors, as to the said several and respective owners, proprietors, and tenants, notwithstanding any disability or incapacity whatsoever.

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the King may appoint commissions to be executed in 2 years from 25 March 1730, continued & year by 5 G. 2. 6. revived and continued to 25 March 1735, with further directions by 7 G. 2. 7. to make survey, and treat with owners for purchase, or yearly rent,

and to issue warrants to sheriffs, if any will not or cannot agree, to return a jury, to inquire the value :

such verdict, or agreement, shall be returned into Exchequer in 31 days :

and conclusive.

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Commissioners  
shall give 31  
days notice in  
writing,  
fixed on the  
door of St. An-  
drew's church.

The like in-  
quiry as to the  
ground demised  
to Sir Wm. Ro-  
binson.

The premises  
vested in the  
King from time  
of payment,  
contract, or ver-  
dict, for the es-  
tate the contrac-  
tors, &c. had,  
not exceeding  
9000 years.

Purchase-mo-  
ney for the inte-  
rests under Sir  
Wm. Robinson's  
grant shall be  
paid by vice-  
treasurer into  
Exchequer,  
where claims  
summarily and  
finally determin-  
ed in or out of  
term, and the  
money paid.

II. And to the intent that all and every person or persons may have sufficient notice of the proceedings of the said commissioners; be it enacted by the authority aforesaid, that any three or more of the said commissioners shall give notice in writing thirty one days at least before their issuing any such warrant or warrants for the impannelling or returning any jury for ascertaining and determining the real value of such houses, tenements, grounds, and appurtenances, or such yearly rent; which writing shall be affixed on the door of the parish-church of St Andrews Dublin.

III. And whereas part of the ground demised by the said letters patent to the said Sir William Robinson, and the houses and tenements since built thereon, now are, or hereafter may be, necessary to be purchased in for the use of the publick, and of the said new Parliament-house: and to the intent that all reasonable satisfaction may be given to the respective proprietors thereof for their several interests therein: be it enacted by the authority aforesaid, That any three or more of the said commissioners by this act to be appointed are hereby authorized and empowered in manner herein before expressed to treat and agree with the owners and others interested in the said last mentioned ground, houses, and tenements; and in case such owners or persons interested therein shall refuse to treat or agree with the said commissioners, or through any disability or impediment cannot dispose of their respective interests therein, in every such case the said commissioners, or any three or more of them, shall inquire into the true value of such of the said last mentioned ground, houses, and tenements, as they or any three or more of them shall judge necessary to be purchased for the purpose aforesaid, in like manner as by this act they are empowered and directed concerning the premises in this act before particularly mentioned.

IV. And be it further enacted by the authority aforesaid, That all and singular the said grounds, houses, tenements, and appurtenances, for which any such contracts or agreements shall be so made, or verdict or inquisition found according to such survey, and as the same shall be bounded and butted by the said commissioners, or any three or more of them as aforesaid, immediately after payment of such sum and sums of money as shall be agreed to be paid for the purchase of the same, or contract entered into for payment of an annual rent, or in case of any persons refusal or disability to convey to or contract with the said commissioners as aforesaid, then from the time of such verdict or inquisition found and returned into the Exchequer, shall be vested in his Majesty and his successors for and during all such estate, term, and interest, not exceeding the term of nine thousand years, as any such person so conveying to, or contracting with, or being disabled to convey to or contract with the said commissioners as aforesaid, shall have in the premises at the time of such conveyance or contract, or of such verdict or inquisition respectively; any disability or incapacity, or any law, statute, or other matter or thing whatsoever, to the contrary notwithstanding.

V. And be it enacted by the authority aforesaid, That all and every sum or sums of money, or other consideration, that shall be agreed upon, or adjudged to be paid or given for such interests, as are derived under the said letters patents granted to the said Sir William Robinson, shall be by the vice-treasurer of this kingdom immediately paid into and deposited in his Majesty's court of Exchequer in this kingdom; which court is hereby empowered in a summary way either in term or out of term upon the several petitions of the respective parties to hear, judge of, and determine, as well by examination of witnesses upon oath, as by all other ways and means, which the said court shall judge proper, the several rights, claims, and demands of all persons interested into or upon the several grounds, houses, tenements, and premises, that shall be so brought in or valued, and to ascertain and pay unto such person and persons respectively according to their several interests such share and proportion of such purchase-money, as the said court of Exchequer shall judge fit; which judgment in such case shall be final and conclusive.

VI. And

VI. And to the intent that the several and respective owners, proprietors, and tenants of all such houses, tenements, grounds, and appurtenances, their several and respective executors, administrators and assigns, may be well and truly paid the purchase-money, so contracted and agreed for by the said commissioners, or any three or more of them, and the yearly rents agreed for or assessed by verdict or inquisition to be taken as aforesaid; be it further enacted by the authority aforesaid, That the said yearly rents, so to be contracted for or assessed by such verdict or inquisition as aforesaid, and also the said rent of two hundred and forty pounds *per annum*, made payable by the said first recited lease, shall be inserted on the civil list of the present and all future establishments of his Majesty's expence of this kingdom, according to such contracts, verdicts, and inquisitions, and paid and payable unto such owners, proprietors, and tenants, their several and respective heirs, executors, administrators, and assigns, according to their several and respective estates and interests in the said several and respective houses, tenements, grounds, and appurtenances, without any further warrant than this act, and without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever; and that the treasurer, vice-treasurer, or receiver-general of this kingdom for the time being, and all other officers and ministers concerned, shall in cases, where the said commissioners shall purchase such houses, tenements, grounds, and appurtenances, pay the said purchase-money according to such contracts and agreements, or otherwise; and also pay the said yearly rents according to such contracts, verdicts, or inquisitions, from time to time yearly, half-yearly, or quarterly, as the said rent shall be contracted for by the said commissioners, or any three or more of them, or according as the same shall be assessed by such verdict and inquisition as aforesaid, and also the said yearly rent of two hundred and forty pounds *per annum* unto such owners, proprietors, and tenants, their several and respective heirs, executors, administrators, and assigns, in manner and form aforesaid, without any mandate or warrant from his Majesty, his heirs or successors, or any other person in that behalf to be procured, had, or obtained, according to the true intent and meaning of this act.

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The yearly rents so contracted for, and the 240 l. rent, shall be inserted on the civil list,

and paid without further warrant, charge, or deduction,

and the purchase-money shall be paid without warrant, &c.

Not to prejudice former agreements on behalf of the King.

VII. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall any way impeach or prejudice, or be construed, deemed, or taken, to impeach or prejudice, any former agreements, contracts, or conveyances, heretofore at any time made on behalf of his Majesty for or concerning any houses, ways, passages, inlets, or appurtenances, to the said Parliament-house adjoining or appertaining, but that, during the continuance of such agreements, contracts, or conveyances, the same shall continue, be, and remain in the same force and validity, as if this act had not been made; any thing herein contained to the contrary notwithstanding.

C H A P.

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## C H A P. IX.

*An act for the further explaining and amending several statutes for prohibiting under sheriffs and sheriffs clerks from officiating as sub-sheriffs or sheriffs clerks more than one year; and to render more effectual an act to prevent fees being taken in certain cases; and to take away the pretended office of barony-clerk, and to oblige sheriffs to appoint deputies for granting replevins; and also for discharging of prisoners unable to pay their fees.*

Recital of  
11 Anne 8.  
Sec. 2.

**W**HEREAS by an act made in the tenth year of the reign of Queen Anne, intituled, *An act for explaining and amending several statutes for prohibiting under sheriffs and sheriffs clerks from officiating as sub-sheriffs or sheriffs clerks more than one year*; it was enacted, “ That no person whatsoever should from  
“ and after the sixth day of November one thousand seven hundred and eleven be admitted into, or should take on him, or  
“ presume to exercise, execute, or officiate by himself, or any under  
“ him, or in trust for him, or to his use, the office or duty of an  
“ under sheriff, sheriffs clerk, or county clerk, in any county or  
“ county of a city or town within this kingdom, who had within  
“ the space of three years next before his admission therein executed, officiated, or exercised, either or any of the said offices  
“ or duties within the said county or county of a city or town;  
“ and if any person or persons should after the said sixth day of  
“ November one thousand seven hundred and eleven offend therein, he should forfeit and pay for every such offence the sum of  
“ five hundred pounds, to be recovered in any of her Majesty’s  
“ Four courts of Dublin, wherein no essoin, privilege, protection,  
“ or wager of law, should be allowed, or any more than one imparlance granted; the one moiety thereof to be applied to the  
“ use of the work-house or house of correction of such county,  
“ or county of a city, wherein such offence should be committed;  
“ the other moiety to be applied to the use of him, her, or them,  
“ that should sue for the same in any of her Majesty’s Four courts  
“ at Dublin, by action of debt, bill, plaint, or information,  
“ grounded on the said statute; any law or statute to the contrary  
“ notwithstanding; unto which said action the judge or judges  
“ of the court, wherein the same should be brought, should and  
“ were thereby required, upon affidavit made of such offence, to  
“ hold



“ hold and oblige the defendant to give in such action good and  
 “ sufficient bail to the said action, and likewise, if judgment should  
 “ be given against the defendant; he should and was thereby  
 “ deemed, and adjudged, and made for ever incapable of acting as  
 “ under sheriff, sheriffs clerk, or county clerk, in any county,  
 “ county of a city or town :” and whereas no penalty is inflicted  
 by the said act on such person or persons, as shall act or officiate in  
 trust for or to the use of such under sheriff, sheriffs clerk, or county  
 clerk, or upon such high sheriff or high sheriffs as shall nominate  
 or appoint such person or persons, under sheriff, sheriffs clerk, or  
 or county clerk, as is to act or officiate in trust for or to the use  
 of such under sheriff, sheriffs clerk, or county clerk : and where-  
 as the said act has hitherto proved ineffectual for want of proof  
 sufficient to convict the offenders against the same, by reason of  
 the secrecy with which such practices are managed and carried on,  
 and that, as the law now stands, the parties guilty thereof are not  
 compellable to discover or confess the same; or any thing relating  
 thereto : for remedy whereof be it enacted by the King’s most  
 excellent Majesty, by and with the advice and consent of the  
 lords spiritual and temporal and commons in this present Parlia-  
 ment assembled, and by the authority of the same, That all and  
 every person or persons, who shall from and after the first day of  
 March in the year of our Lord one thousand seven hundred and  
 twenty nine act or officiate as under sheriff, sheriffs clerk, or  
 county clerk, in trust for or to the use of any person or persons,  
 whom he or they so acting or officiating shall know to have been  
 under sheriff, sheriffs clerk, or county clerk of the same county,  
 county of a city or town, within three years next before, and all  
 and every high sheriff, or high sheriffs, who shall nominate or ap-  
 point such person or persons, under sheriff, sheriffs clerk, or  
 county clerk, knowing that such person or persons is or are in-  
 tended to act in the said office in trust for or to the use of such  
 under sheriff, sheriffs clerk, or county clerk as aforesaid, shall and  
 are hereby made liable to the same penalties, and to the same re-  
 medy for recovery thereof, as by the said act are given against such  
 under sheriff, sheriffs clerk, or county clerk ; and that any person  
 or persons may prefer one or more bill or bills in the court of  
 Chancery, or court of Exchequer, against any high sheriff, under  
 sheriff, sheriffs clerk, or county clerk, and all and every person or  
 persons, who shall act or officiate in trust for or to the use of such  
 under sheriff, sheriffs clerk, or county clerk, or shall be any way  
 concerned therein, or privy thereto, to compel such high sheriff,  
 under sheriff, sheriffs clerk, or county clerk, and all and every such  
 person or persons as is aforesaid, to discover such trusts, and to

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Chap. 9.

No penalty  
thereby on  
persons acting  
in trust for  
under sheriff,  
&c. or on  
high sheriff  
nominating:

Insufficiency  
of said act for  
want of proof.

Persons act-  
ing as under  
sheriff, she-  
riff’s or county  
clerk, in trust  
for one, whom  
they know to  
have been so  
within 3 years  
for same coun-  
ty, and high  
sheriffs nomi-  
nating them  
knowing, &c.

liable to same  
penalties as  
under sheriff,  
&c. by 10  
Anne 8.

29 G. 2. 15.

Bills may be  
filed to com-  
pel discovery  
of such trust:

A. D. 1729. Chap. 9. answer all matters relating thereto, as by such bill or bills shall be required to the discovery sought; to which bill or bills no plea or demurrer shall be allowed, but the defendant or defendants shall answer the same at large upon oath; which answer or answers shall be good evidence against the defendant or defendants respectively making the same in any action or actions, or information or informations, to be brought from and after the said first day of March one thousand seven hundred and twenty nine upon this or the said recited act; any law, statute, custom, or usage, in any wise to the contrary notwithstanding: provided that, if such bill or bills appear to be vexatious, the said court or courts shall dismiss the same with full costs, to be taxed and levied as in other cases is usual.

to which no plea or demurrer.  
Answer evidence against respective defendants.

If vexatious, bill dismissed with full costs.

II. And whereas an act passed in this kingdom in the fourth year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent fees being taken in certain cases*, it was enacted, “That no fees should be demanded or received from any person, against whom any bill of indictment should be preferred, and returned *ignoramus* by the grand jury, for drawing or ingrossing of such bill of indictment, or for the juries verdict of *ignoramus* thereon, under certain penalties therein mentioned:” yet nevertheless great fees have been since taken for recognizances, and discharging the person, against whom such bills so returned *ignoramus* have been preferred, contrary to the intent and meaning of the said act: for remedy whereof be it enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and thirty no fee or fees, sum or sums of money, shall be demanded or received by any sheriff, sub-sheriff, clerk of the crown, clerk of the peace, their deputy or deputies, or any other person whatsoever, for or on account of any bill or judgment, that shall be returned *ignoramus* by the grand jury, from any person or persons, as to whom the said bill shall be so returned, or on account of any recognizance, discharge, or on any other pretence whatsoever relating to such bill, judgment, recognizance, or discharge; and if any such officer or officers, his or their deputy or deputies, or any other person whatsoever, shall offend herein, he or they shall forfeit for every such offence to every person aggrieved thereby the sum of twenty pounds, to be recovered by action of debt in any of his Majesty’s Four courts in Dublin; wherein no essoin, privilege, protection, or wager of law, shall be allowed, or by civil bill, in such manner as small debts are appointed to be recovered, with costs of suit.

Recital of Anne 10.

No fees on bill or judgment returned *ignoramus*, or on any pretence relating thereto.

Penalty 20l. to the party, by action of debt, or civil bill,

with costs.

III. And whereas several sheriffs in several counties in this kingdom have of late years taken upon them to appoint several  
obscure



obscure and indigent persons to exercise a pretended office, called **A. D.**  
the office of barony-clerk, in the several baronies of their several **1729.**  
and respective counties; which persons when so appointed have **Chap. 9.**  
taken upon them to hold courts within such barony, in such man-  
ner as the high sheriff or his deputy-sheriff is impowered by law **Oppression**  
to do in his county, to the great oppression of his Majesty's sub- **by barony**  
jects in the several counties where such barony clerks are appoint- **clerks:**  
ed, and contrary to the known rules of law: be it therefore  
enacted by the authority aforesaid, That no sheriff within any **No sheriff**  
county of this kingdom shall from and after the first day of May **shall appoint**  
in the year of our Lord one thousand seven hundred and thirty **a barony clerk,**  
appoint any person or persons whatsoever to be a barony-clerk  
within his county; and, in case of such appointment, that no per-  
son whatsoever shall take upon him to hold any court, or exercise  
any power or authority whatsoever under colour thereof; and if  
any sheriff in any county of this kingdom shall from and after **nor any one**  
the said first day of May in the year one thousand seven hundred **act under co-**  
and thirty offend herein, he shall forfeit and pay for every such **lour thereof.**  
offence the sum of fifty pounds; which said sum of fifty pounds **Penalty on**  
shall and may be recovered by action of debt in any of his Ma- **sheriff 50 l.**  
jesty's Four courts in Dublin; wherein no essoin, privilege, pro-  
tection, or wager of law, shall be allowed, by any person or persons  
who shall sue for the same; and if any person shall from and after  
the said first day of May in the year of our Lord one thousand **Person act-**  
seven hundred and thirty take upon him to exercise the said pre- **ing to be com-**  
tended office of barony-clerk, upon information given thereof **mitted on in-**  
upon oath unto any justice of the peace of the county, within **formation on**  
which he shall so exercise the same, such justice of the peace shall **oath by a jus-**  
upon such information, unless sufficient bail shall be given by **tice till assizes,**  
such offender, commit him to the county-goal, there to remain **unless suffi-**  
until the next assizes to be held for the said county; where, if he **cient bail.**  
shall be convicted of such offence, the judge or judges of assize, **if then con-**  
before whom he shall be so convicted, shall forthwith commit him **vinced, com-**  
to the said county-goal for three months, and shall also fine him **mitted 3**  
for such offence in a sum not exceeding fifty pounds **months, and**  
*sterling*. **finer not a-**  
**bove 50 l.**

IV. Provided always, and be it enacted by the authority afore- **Sheriff in**  
said, That the sheriff for the time being of every county, not **every county**  
being a city, shall within one month after the first day of May **(not being a**  
one thousand seven hundred and thirty, and hereafter within one **city) shall in a**  
month after his entering upon his office, appoint four deputies at **month appoint**  
the least in the most convenient places of the county, who shall **4 deputies, to**  
have authority in the sheriff's name to grant replevins, and make **grant reple-**  
deliverance of all distresses, in such manner and form as the sheriff **vins and make**  
may and ought to do; upon pain that every sheriff for every month, **deliverance,**  
**10 C. 1. 25.**  
**eff. 2.**  
during

A. D. 1729. during which he shall not have four such deputies, shall for every such offence forfeit the sum of ten pounds to such person or persons, as shall first sue for the same, to be recovered by civil bill in the same manner as small debts are recovered.

Penalty 10 l.  
per month, to  
prosecutor, by  
civil bill.

Sheriff, &c.  
shall take no  
fee on that  
account:

Penalty 50 l.  
to King and  
informer.

Judges of  
assize shall in-  
quire of pri-  
soners meerly  
for fees, and,  
on representa-  
tion of grand  
jury of inabi-  
lity to pay,  
discharge  
them.

V. Provided always, That no sheriff or sub-sheriff, or any person for his or their use, shall take or receive any fee, sum or sums of money, gratuity or reward, for or on account of appointing any deputy or deputies to grant replevins as aforesaid; and in case any such sheriff or sub-sheriff, or other person or persons, shall take or receive any fee, sum or sums of money, gratuity or reward, for or on account of appointing such deputy as aforesaid, then and in every such case such sheriff or sub-sheriff shall forfeit the sum of fifty pounds, to be recovered by such person or persons, who shall first sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's Four courts in Dublin; wherein no essoin, protection, or wager of law, shall be allowed, nor more than one imparlance granted; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the informer.

VI. And whereas several persons are from time to time continued in the several county-goals of this kingdom for not paying such fees, as are due from him to the high sheriff, deputy sheriff, goaler, clerk of the crown, or clerk of the peace, his or their deputy or deputies, which fees many of them are utterly unable to discharge, and yet they remain in goal, and are maintained by the several counties, to which such goals belong, which is a great burthen and expence to his Majesty's subjects in such counties: be it therefore enacted by the authority aforesaid, That from and after the first day of March in the year of our Lord one thousand seven hundred and twenty nine the judges of assize in this kingdom, or any of them, in their respective circuits, commonly called the Lent and Summer assizes, shall from time to time inquire, what persons remain in goal in the several counties within their circuits meerly for fees due by them to the high sheriff, deputy-sheriff, goaler, clerk of the crown, and clerk of the peace, or his or their deputy or deputies, or any of the persons aforesaid; and, upon such inquiry and a representation of the grand jury of such county that such person or persons are not able to pay his or their fees, shall forthwith discharge such person or persons out of the said several goals, as upon due examination of their circumstances they shall find unable to pay or discharge such fee or fees.

VII. And be it further enacted by the authority aforesaid, That so much of this act, as relates to the preferring of any bill or bills in

in the courts of Chancery or Exchequer, for the discovery of any offence against this act or the said act of the tenth year of the reign of her late Majesty Queen Anne, and as obliges any person to answer the same at large without pleading or demurring there- to, shall be and continue in force to the first day of March, which shall be in the year of our Lord one thousand seven hundred and thirty three, and from thence to the end of the then next session of Parliament, and no longer.

A. D.

1729.

so much as relates to filing bills of discovery to continue to 1 Mar. 1733, &c.

continued

7 G. 2. 7.

19 G. 2. 15.

21 G. 2. 7.

23 G. 2. 8.

1 G. 3. 17.

for 7 years, &c.

from 1 May

1762.

C H A P. X.

*An act for explaining and amending an act, intituled, An act to prevent the disorders, that may happen by the marching of soldiers, and for providing carriages for the baggage of soldiers in their march.*

**W**HEREAS by an act of Parliament made in this kingdom in the sixth year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the disorders that may happen by the marching of soldiers, and for providing carriages for the baggage of soldiers in their march*; it is enacted, "That for every wheel-carr two pence per mile, and for every slide-carr one penny per mile, shall be paid to the owner for such respective carriages, or his servant, by the officer or person who shall require such carriage; and that no wheel-carr or carriage shall be laden with above four hundred pounds weight, not any slide-carr with above two hundred weight; and that no owner of such carriage shall be compelled to take any lading, or be forced to proceed in the march, until he be paid down in hand the aforesaid sums:" and whereas it hath been found by experience, that the aforesaid rates are not a sufficient satisfaction to the owner of such carriages, by reason the price of corn and other provisions hath been raised and increased in this kingdom since the making the said act; and it being also found by experience, that neither such officer or other person requiring such carriage do weigh, or order the goods so laden to be weighed, but often over-load the horses drawing such carriage: to the intent therefore that full recompence may be made to the owner of such carriage suitable to the expence, and that the said goods may be duly weighed, so as the owner of such carriage may not be compelled to carry above the weight aforesaid; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this

6 Anne 14.  
Sec. 5.

Rates there-  
in not suffi-  
cient:

that full re-  
compence may  
be made to  
owners of car-  
riages, and  
the goods du-  
ly weighed:

A. D. present Parliament assembled, and by the authority of the same;  
 1729. That from and after the twenty fifth day of March in the year of  
 Chap. 10. our Lord one thousand seven hundred and thirty no owner of such  
 carriage shall be compelled to take any loading, or be forced to  
 proceed in the march with the respective carriages, until such time  
 as the officer or other person, who shall require such carriage, shall  
 pay down in hand to the owner of such carriage, or his servant,  
 the sums hereafter mentioned: (that is to say) for every mile or

3 d. per mile  
 every wheel,  
 1 d. halfpenny  
 every slide,  
 car shall be  
 first paid  
 down.

repaid to  
 officer by  
 vice-treasurer  
 on oath before  
 a magistrate.

Owner of  
 carriages not  
 obliged to take  
 loading till  
 weighed, at  
 his expence, if  
 without hin-  
 drance to the  
 service.

If owner  
 compelled  
 thereto, or a  
 greater weight  
 than aforesaid  
 is put on, pe-  
 nalty to the  
 party to a. on  
 proof before a  
 magistrate, on  
 whose certifi-  
 cate deducted  
 out of officer's  
 pay.

reputed mile they are to march the sum of three pence for every  
 wheel-carr, and the sum of one penny halfpenny for every slide-  
 carr; which sum or sums, so to be advanced and paid by such  
 officer, shall be repaid to such officer by the paymaster-general or  
 vice-treasurer of this kingdom for the time being without fee or  
 reward, on oath made by such officer before one of his Majesty's  
 justices of the peace, or the chief magistrate of any city or town  
 corporate, of his having paid such sum or sums for carriage as  
 aforesaid; nor shall the owner of such carriage be compelled or  
 obliged to take any loading, until the same shall be first duly  
 weighed at the expence of the owner or owners of such car-  
 riage, if he or they shall think fit, and the same can be done in a  
 reasonable time, without let or hindrance of his Majesty's ser-  
 vice; and if the officer or other person requiring such carriage  
 shall force or compel the owner of such carrs or carriage to take  
 any loading, until the same shall be first duly weighed, if the  
 same can be done in a reasonable time without let or hindrance of  
 his Majesty's service, or shall contrary to the will of the owner of  
 such carr or carriage, or his servant, put, or permit any soldier or  
 other person or persons whatsoever to put, any greater load upon  
 any carr or carriage, than as is herein before directed, either at the  
 time of loading or in the march, every such officer shall for every  
 such offence forfeit the sum of ten shillings, proof thereof being  
 first made upon oath before one of his Majesty's justices of the  
 peace for the same county, or the chief magistrate of the place  
 where such offence shall be committed, who are to make certi-  
 ficate thereof to the paymaster-general of his Majesty's forces in  
 this kingdom, who is hereby required to pay the same to the  
 party injured, or other person producing the said certificate, and  
 to deduct the same out of the pay of such officer.

6 Anne 14.  
 Sec. 7.

If carriages  
 forced above  
 1 day's march,  
 3 d. per mile,  
 and one penny  
 halfpenny  
 shall be ad-  
 vanced, on

II. And whereas it is by the said recited act provided, " That  
 " if by the negligence of the constables in the said act mentioned  
 " the officer, or other person requiring such carriage, should be  
 " necessitated to take the said carriage another day's march, he  
 " should pay the owner of the said carriage the rates in the said  
 " act mentioned: " be it therefore further enacted by the authority  
 aforesaid,

aforeſaid, That if ſuch officer or other perſon requiring ſuch A. D. carriage ſhall compel or force the ſaid carriage to travel or go 1729, more than one day's march, ſuch officer or other perſon ſhall Chap. 10. for every mile or reputed mile the ſaid carriage ſhall be compelled to march, beſide what ſhall be paid for the ſaid firſt day; pay the ſum of three pence *per* mile for every wheel-carr, and for every ſlide-carr the ſum of one penny halfpenny *per* mile; which ſum or ſums, ſo to be advanced and paid for ſuch further march, ſhall be repaid to ſuch officer by ſuch perſon and in ſuch manner, as the ſums are to be paid by the ſaid recited act for the firſt day's march; and if ſuch officer or perſon requiring ſuch carriage ſhall neglect or reſuſe to pay down to the owner of ſuch carriage the ſums hereby appointed to be paid for ſuch further day's march, he and they ſhall forfeit the ſum of twenty ſhillings *ſterling*, to be paid to the perſon injured on ſuch proof and in ſuch manner as is herein before appointed.

pen of 20 s.  
and to be re-  
paid, as afore-  
ſaid.

III. And whereas it is by the ſaid former act enacted, “ That 6 Anne 14. Sec. 6. “ no country-carrs or carriages, coming to the market of the city “ of Dublin, ſhould be detained or employed in carrying ſuch “ baggage on any pretence whatſoever:” and whereas ſeveral farmers and carriers coming to the reſpective markets of this kingdom from places at a great diſtance, and remote from ſuch markets, have been taken, detained, and employed in carrying ſuch baggage, to their great loſs, and the diſcouragement of trade, by reaſon the proviſion made in and by the ſaid former act was thereby confined to the markets of the city of Dublin: for remedy whereof be it enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and thirty, no carr or carriage coming to any of the markets of this kingdom ſhall be detained or employed in carrying ſuch baggage on any pretence whatſoever.

No carr of  
carriage com-  
ing to any  
market ſhall  
be detained or  
employed.

IV. And be it further enacted by the authority aforeſaid, That all and every the clauſes, powers, and authorities, contained in the ſaid firſt before mentioned act, other than ſuch clauſes and parts thereof as are hereby repealed or altered, ſhall remain in force, and ſhall be executed, obſerved, and performed, according to the true intent thereof.

6 Anne 14.  
except aſhere-  
by altered,  
ſhall be in  
force.

## CHAP.

*An Act for the better keeping churches in repair.*

**W**HEREAS in divers parts of this kingdom of Ireland, and more especially within the provinces of Leinster, Munster, and Conaught, there are many parishes, the income whereof is so small as not to afford a support respectively to a distinct curate or incumbent, and the inhabitants whereof are so few in number and so poor as not to be able to build up or repair their respective parish-churches, and the joining of such parishes in a perpetual union is in many cases found to be impracticable, so that for the present remedying of this inconvenience divers archbishops and bishops are under a necessity of uniting by an archiepiscopal or episcopal union two or more of such parishes, as are contiguous, under one incumbent or curate, and appointing one church or chappel within such united parishes to be the place of publick worship for all the inhabitants dwelling within the same: and whereas no such inhabitant can by law be compelled to contribute to the repair of any parish-church, excepting only that of the parish wherein he dwells or occupies land; by reason whereof the churches or chappels so appointed for many such united parishes respectively are suffered to go to ruin, to the great dishonour of God, and discouragement of his publick worship: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That wherever any such archiepiscopal or episcopal union of contiguous parishes under one incumbent or curate is already made, or shall hereafter be made, by any archbishop or bishop within his own respective diocess, the inhabitants or occupiers of land within each and every of such united parishes respectively shall be obliged to contribute towards the repair of the church or chappel so appointed, or to be appointed, for publick worship within the said united parishes, and to the providing all necessary charges belonging to such church or chappel, as if such united parishes were one entire parish, and the church so appointed the parish-church of the same; and that two church-wardens may every year be chosen for such united parishes respectively, and have the like office and power within the same, as other church wardens by law have in their severall and respective parishes.

Necessity of episcopal union, the church appointed suffered to go to ruin, as no inhabitant compellable by law to repair, except the parish church where he dwells, &c.

On episcopal union of contiguous parishes, inhabitants or occupiers of land shall contribute to repair of and charges for the church appointed, as if one entire parish, and that the parish church;

and two church-wardens, with like powers as others.

II. Pro-

II. Provided always, That if the parishioners of any such united parish shall at any time build up or sufficiently repair the parish-church of their said parish, then and from thenceforth Chap. 11. neither they, nor any of them, shall by virtue of this present act be compelled to contribute towards the repairing of any other church or chappel within the said united parishes, excepting that of the particular parish to which they immediately belong; and the church or chappel, appointed as is before mentioned for the said united parishes, shall from thenceforth be kept in repair by the rest of the parishioners of the said united parishes, in like manner as is herein before enacted, as if this act had never been made.

A. D. 1729.

But if at any time they repair their parish-church, not compellable to repair any other.

III. And whereas great difficulties have been found in collecting parish-cesses, after they have been made and agreed upon in vestry, for the repair of parish-churches, chappels, and other necessary charges belonging to such church or chappel within this kingdom, upon pretence that such cesses have not been duly and equally applotted upon the respective inhabitants of such parishes: and whereas church-wardens are often remiss in collecting such cesses, when duly made and applotted, and many times neglect or refuse to account for the same at the expiration of their office, by means whereof several parish-churches have continued several years out of repair: be it enacted by the authority aforesaid, That from

Difficulties in collecting parish cesses, for repair of the church:

Remissness of church-wardens.

and after the twenty fifth day of March one thousand seven hundred and thirty all and every parish-cess or tax, that shall be made, raised, or agreed upon at any vestry held for any parish in this kingdom for the repair of the parish-church or chappel, or other necessary charges belonging to such church or chappel, shall in ten days, after the same is so agreed upon, be equally and fairly applotted upon the respective inhabitants of such parish by the church-wardens, or other persons appointed for that purpose by the major part of the protestant parishioners in vestry assembled;

Such cess shall in 10 days be equally applotted,

which applotment when made shall be returned to the minister of the parish, who, the first Sunday after he hath received the same, shall after divine service in the morning give publick notice thereof, as also of a vestry to be held in ten days after such notice, in order to have the said applotment examined into; at which vestry so summoned as aforesaid the major part of the protestant inhabitants there assembled shall have full power to hear all parties, who shall object to the said applotment, and to make such alterations and amendments as to them shall seem just and reasonable, and then finally to settle and ascertain the same; and, after the same is so settled and ascertained, they shall cause two distinct parts or transcripts thereof to be made, each to be subscribed by the minister, church-wardens, and three of the protestants:

Applotment returned to the minister, who shall give notice of vestry in 10 days to examine it.

when finally settled, 2 transcripts shall be made, subscribed by the minister, church-wardens, and 3 protestants:

A. D. 1729. **Chap. 11.** testant parishioners then present; one part whereof shall remain with the minister and parishioners, and the other shall be delivered to the church-wardens, who shall with all convenient expedition proceed to collect and levy the same, to be applied to the uses, for which it was ordered: and if such church-wardens shall wilfully neglect or refuse to collect; or cause to be collected; any parish-tax or cess, so applotted and ascertained as aforesaid, or at the expiration of their office shall refuse or neglect to account for the same in any vestry to be held for that purpose, of which ten days notice shall be given in such church or chappel immediately after divine service in the morning, that then it shall and may be lawful to and for the succeeding church-wardens to sue for and recover from the said church-wardens, so refusing or neglecting to collect or account as aforesaid, all and every the sum and sums in the said applotment contained; or if after an account stated in manner aforesaid any such church-warden shall after a demand made refuse or neglect to pay the ballance of such account remaining in their hands to the succeeding church-wardens, then it shall and may be lawful to and for the succeeding church-wardens to sue for and recover from the said church-wardens so refusing or neglecting to pay the ballance, that shall on such account appear to be in their hands, all and every such respective sums in cases, where the same do not exceed twenty pounds, to be sued for and recovered by civil bill at the general assizes to be held for the county, where such parish-church or chappel is, or where such parish-church or chappel is within the city or county of Dublin at the general quarter-sessions to be held for the said city or county, and in cases where any such sum exceeds twenty pounds, the same to be sued for and recovered by action of debt, bill, or plaint, in any of his Majesty's Four courts of Dublin.

Church-wardens to proceed to collect,  
on neglect or not accounting in vestry of which 10 days notice, or not paying the ballance, to be sued by succeeding church-wardens.  
by civil bill, where not above 20 l.

**Applotment subscribed, and account stated, evidence to charge defendants.** IV. And be it further enacted by the authority aforesaid, That in such suit or action the aforementioned applotment subscribed by the minister, church-wardens, and three parishioners, shall be sufficient evidence to charge the defendants in the said suits or actions with the several sums contained in the said applotment; and that the account stated as aforesaid shall be admitted as sufficient evidence to charge the defendants in such suit or action with the ballance of such account.

After judgment against church-wardens for refusing to account, and payment, they shall be admitted to account in vestry,

V. Provided always, and be it enacted by the authority aforesaid, That if any such church-warden or church-wardens, refusing to account as aforesaid, shall after judgment obtained against him or them, and payment made as aforesaid, apply to the minister and succeeding church-wardens to be admitted to account, then and in such case the said minister, church-wardens, and parishioners



parishioners in vestry assembled shall and are hereby obliged to take such account, and such succeeding church-wardens shall and are hereby obliged to pay back all such sums as the church-warden or church-wardens so accounting shall upon such account prove to have been applied to the use of the parish, and also such sums as, he or they can make appear upon oath, could not be collected by reason of the poverty or other circumstances of the parties, upon whom they were applotted; which oath any of his Majesty's justice of the peace for the city, or county, or county of the city, where such parish-church or chappel lies, are hereby authorized and required to administer; and if the said church-warden or church-wardens so accounting shall find him or themselves aggrieved by the determination of the said minister, succeeding church-wardens, and parishioners, upon taking such account, then he or they shall and may complain or appeal to the justices of the peace at the next general quarter-sessions to be held for the county, where such parish-church or chappel is, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same, and make such order therein, as to them shall seem just; and, in case they shall adjudge any sum of money to be repaid by the succeeding church-wardens to the church-wardens so accounting, to cause the same to be levied by distress and sale of the goods and chattels of such succeeding church-wardens, or any of them, by warrant under the hands and seals of any two or more of the justices of the peace present at the said sessions; and in case they shall confirm the determination of the said minister, succeeding church-wardens, and parishioners, then they shall award to the said minister, succeeding church-wardens, and parishioners, such costs, as they shall think reasonable, not exceeding forty shillings; to be levied by distress and sale of the goods and chattels of the person or persons so appealing by warrant under the hand and seal of two of the justices of the peace present at the said sessions.

A D.

1729.

Chap. 11.

and their successors shall repay money proved laid out for the parish, or not collected from poverty, &c.

Appeal to sessions from the vestry:

if repayment adjudged, levied by distress on warrant of 2 of the justices.

If the determination affirmed, costs not above 40 s.

VI. And whereas several parishes in this kingdom are united by charters granted by the crown, in some of which said parishes there are but very few protestants inhabiting, and in others none at all, and the parish-churches thereof quite ruined, or in very great decay: be it therefore enacted by the authority aforesaid, That, until such ruined or decayed churches are rebuilt or repaired, the parishioners thereof shall be obliged to contribute to the keeping in repair the church; to which such parishes are united, and to the providing all necessary charges belonging thereto in like manner, and subject to such regulations, as are herein appointed

Parishioners of an union by charter from the crown, the churches whereof decayed, shall till repaired contribute to repair of the church to which united,

as on episcopal union.

A. D. appointed for repairing of the churches united by archiepiscopal or episcopal union.

1729.  
Money raised,  
applied as  
by the act of  
vestry only.

VII. Provided also, and be it enacted by the authority aforesaid, That all and every such sums of money, to be raised and levied as aforesaid, shall be applied to the use and uses mentioned in such act of vestry, and no other.

## C H A P. XII.

*An Act for supplying a defect in an act for rendering more effectual an act for the better enabling the clergy having cure of souls to reside upon their respective benefices; and for the encouragement of protestant schools within this kingdom of Ireland.*

Y. G. 2. 15.  
End thereof  
not answered,  
from family  
settlements.

Tenant for  
life, immedi-  
ate remainder  
to issue, may  
grant 20 acres  
for glebe, not  
part of the  
demesne.

good against  
remainder or  
reversion.

**W**HEREAS an act of Parliament made in the first year of the reign of our most gracious sovereign King George the second, intituled, *An act for rendering more effectual an act for the better enabling the clergy having cure of souls to reside upon their respective benefices; and for the encouragement of protestant schools within this kingdom of Ireland*, by reason of the many family settlements throughout this kingdom, cannot answer the good intentions and purposes thereof: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for any person or persons, being seized of an estate for life in possession in any lands, with immediate remainder over to his, her, or their own issue, by his, her, or their deed or deeds respectively to grant any part of such lands, not exceeding twenty acres plantation measure, and being no part of the demesne-lands, usually occupied with, or reputed as demesne to, the mansion or chief dwelling house belonging to such tenant for life, as a glebe for the incumbent or minister of any parish having actual cure of souls, and his successors, or to any person or persons and their heirs in trust for any curate or ecclesiastical person having the actual cure of souls in any appropriate or impropriate benefice, and their respective successors, at, and under, and subject to, the payment of the yearly rent, to be ascertained in such manner as herein after is directed and appointed, in as full and ample manner as if the person or persons so granting the same had been seized of an estate in fee simple in such lands; and all grants so to be made shall be good and effectual against all persons

persons claiming by virtue of any remainder or reversion expectant upon the said estate for life. A. D. 1729.

II. Provided always, and be it enacted by the authority aforesaid, That where any such tenant for life shall grant any lands for a glebe in pursuance of this act, the sheriff of the county, where such lands so to be granted lye, at the request of the archbishop or bishop of the diocese, and also of the grantor and grantee, is hereby required and impowered to enquire by the oaths of twelve good and lawful freeholders of the said county, of the time and place of which enquiry notice shall be given at some preceding county court, and likewise upon the oaths of such credible witnesses as shall be produced by either party, of the best and most improved rent, and full yearly value and quantity of the lands so to be granted; which said oaths the said sheriff is hereby impowered to administer; and the said sheriff is hereby required to return the said yearly value of such lands so found together with the mears and bounds thereof to the archbishop or bishop of the diocese, who shall procure the said return, certificate, and deeds of grant to be recorded in the court of Exchequer in the first remembrancer's office; for which inquest and return the sheriff shall receive by way of fees ten shillings, and no more; and the said remembrancer shall put the same on record, and for recording the said inquest, certificate, and deeds of grant, shall receive six shillings and eight pence, and no more; both sums to be paid by the grantee; which said yearly value shall be for ever after the rent payable out of the said lands so granted; and the said inquest, certificate, and deeds of grant so recorded, shall be binding and conclusive to all intents and purposes against the said grantor, and all others claiming any title or interest in the said lands, or any part thereof, in reversion, remainder, or expectancy, by, from, and under him, her, them, or any of them, or under any settlement or entail of the said lands, or any part thereof.

III. And be it enacted by the authority aforesaid, That the said lands, so granted in manner aforesaid, shall from thenceforth be taken, adjudged, and deemed to be glebe or demesne lands belonging to the said parish, and subject to and regulated by all and every the clauses, provisos, conditions, restrictions, and limitations in all former laws made for or concerning the endowing churches with glebe, for the encouraging of the building of houses, and making other improvements on church-lands, and to prevent dilapidations, and for the better enabling clergy having cure of souls to reside on their respective benefices, as fully and amply as if the said laws had been herein particularly recited, mentioned, and enacted.

Vol. V.

5 G

IV. And

Sheriff, at request of the bishop, grantor, and grantee, shall on notice in county-court inquire of the full yearly value.

2 Anne 10.

and return it, with mears and bounds, to the bishop:

to be recorded in Exchequer.

Sheriff's fee 10 s.

Remembrancer's 6 s. 8 d.

paid by grantee.

Said yearly value to be the rent for ever.

Said inquest, &c. conclusive.

Said lands shall be the glebe, and regulated by all former laws for endowing churches, improving, preventing dilapidations, and enabling to reside.

15 C. t. 11. 10 Wil. 3. 6.

2 Anne 10.

8 G. 1. 11.

12.

10 G. 1. 6.

12 G. 1. 10.

1 G. 2. 15.

9 G. 2. 13.

31 G. 2. 11.

A. D. 1729. **IV.** And be it further enacted by the authority aforesaid, That all and every such incumbent, minister, curate, or ecclesiastical person, to whom or for whose use such grant or grants shall be made in pursuance of this act, and their successors for ever, shall be and are hereby made liable to, and shall be obliged to observe, perform, fulfil, and keep, all and every the covenants, agreements, payments of all rents and arrears of rent, and for building and improving on such lands so to be granted, as are directed or required by all or any of the said laws.

Grantee and  
successors li-  
able to all co-  
venants, &c.  
as by said  
laws.

## C H A P. XIII.

*An act for explaining and amending the several laws now in force for the paving and cleansing the streets of the city of Dublin, and the liberties of Saint Sepulchre's, Thomas-court, and Donore, and for other purposes therein mentioned.*

22 & 23 C.  
2. 17. Eng.  
Recital  
4 G. I. 11.

**W**HEREAS the statute made in the fourth year of the reign of his late Majesty King George the first, intituled, *An Act for the better amendment of the pavements, and more effectual cleansing the streets of the city of Dublin, and for removing encroachments and nuisances that are or shall be erected therein, and preventing mischiefs occasioned by drivers of carts, drays, or carrs, riding thereon; and for regulating the selling of hay in the city of Dublin and liberties thereunto adjoining, and also one other statute made in the sixth year of his said late Majesty's reign, intituled, An Act for the more effectual amendment of the pavements of the several counties of cities and counties of towns in this kingdom; and for preventing mischiefs that may happen by fire in the city of Dublin; and for augmenting the number of hackney coaches and chairs in the said city, have proved ineffectual, so far as the same relate to the amendment of the pavements and cleansing the streets, and removing encroachments and nuisances within the said city of Dublin, and liberties of Saint Sepulchre's, Thomas-court, and Donore: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March one thousand seven hundred and thirty the lord mayor of the city of Dublin, and the seneschals of the several liberties of Saint Sepulchre's, Thomas-court, and Donore, and their successors respectively for the time being,*

ineffectual as  
to streets of  
Dublin.

Lord mayor  
and seneschals  
shall execute  
the powers re-  
lating to the  
streets, with-  
out assistance  
of others in  
said acts.

being, shall and may, and are hereby required, authorized, and impowered, to execute the powers vested in them and others in and by the said act in relation to the sweeping the streets and lanes, and carrying away the dirt and filth thereof, and also in relation to the pavements of the streets and lanes within the said city and suburbs, and the liberties thereof, in as full and ample manner as they were impowered and required to do in and by the said former acts, without the assistance and concurrence of the several other persons, who were required to joyn with them in and by the said recited acts; which said other persons from and after the said twenty fifth day of March one thousand seven hundred and thirty are hereby discharged of and from all the powers and trusts, which were vested in them in relation to the sweeping and cleansing the streets in and by the said former acts; and from and after the said twenty fifth day of March one thousand seven hundred and thirty the church-wardens of each parish, with any two or more of the directors of the watch in each parish within the said city, suburbs, and liberties, are hereby strictly charged and required to perambulate all the streets and lanes within their several parishes four times at least in the year: (viz.) the first week in May, the first week in September, the first week in November, and the first week in February, and to examine, see, and enquire, whether there be any and what defects in the pavements, or any and what default or neglect in cleaning the said streets and lanes, or in carrying away the dirt and filth thereof, according to the said acts, and to prepare and make particular returns thereof within six days after each perambulation to the said lord mayor and seneschals respectively for the time being; which returns shall be filed in the Tholsel office and with the seneschals of the several liberties respectively, as also entered in the vestry books of each respective parish, to the intent that all and every person and persons requiring the same may resort thereto, and take copies thereof without fee or reward; and the said lord mayor and seneschals are hereby required to execute the trust reposed in them by this and the said former acts, and see the same be duly complied with according to the said returns; and if they or any of them shall fail or neglect to do the same by the space of six days from and after the time hereby appointed for the delivering in of such return, the minister and church-wardens, or any of them, or any other person or persons whatsoever, shall or may prefer a petition in nature of a complaint to any one of the judges of his Majesty's court of King's bench, setting forth the return or returns so made, and the particular neglects or defaults of or in the persons intrusted with the execution of the said acts; and such of the persons complained of being first served with a copy of the said petition

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Church-wardens with directors of watch shall perambulate 4 times a year, and examine the pavements, &c.

and in 6 days return to lord mayor, &c.

to be filed,

and entered in vestry books.

Lord mayor, &c. not executing the trust in 6 days, on petition to a judge of B. R. copy and summons first served, said judge may examine summarily,

A. D. 1729. Chap. 13. *neglect appearing, penalty not above 5 l. nor less than 20 s. to complainant.*

tion or complaint, as also with a summons signed by the said judge, appointing the time and place of appearance, which the said judge is hereby authorized and required to issue without fee or reward, shall within twenty four hours after such service appear before the said judge and answer the said charge; and the said judge, upon affidavit made of such service, as well in the absence as in the presence of the person complained of, shall and may, and the said judge is hereby impowered and required to proceed to examine into the said complaint, and finally to hear and determine the same, by the oath or oaths of one or more credible witnesses or witnesses in a summary way; and in case the person complained of shall before the said judge appear to be guilty of any neglect or default in the said petition mentioned, such person for every such neglect and default shall forfeit and pay any sum not exceeding five pounds, nor less than twenty shillings, at the discretion of the judge, to the person so complaining; to be levied by distress and sale of the goods of the offender by virtue of a warrant, which the said judge is hereby impowered and required to issue to such constable or other officer, as he shall appoint, rendering the overplus (if any) to the owner.

*Disputes of the level of pavements determined by lord mayor, &c.*

*who, if not paved accordingly in 6 days, may cause it to be done, and assess inhabitants of houses adjoining.*

*Scavengers not doing duty, any person may sweep and carry away the dirt,*

II. And whereas great inconveniences happen for want of due levels made in the pavements of the several streets and lanes of the said city, and the liberties thereunto adjoining, for carrying off the water, and many disputes may arise between the inhabitants concerning the manner of placing the said levels: be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and thirty it shall and may be lawful to and for the lord mayor of the said city for the time being, and to and for the said several seneschals within their respective liberties, upon any dispute concerning the level of any pavements to determine and fix such level, and to direct the inhabitants to pave such streets and lanes accordingly; and, in case they shall refuse or neglect so to do by the space of six days after notice given, to cause the same to be paved according to such his direction, and to assess and applot the charge of making such levels on the inhabitants of the houses adjoining, and for non-payment thereof to levy such cesss by distress and sale of the goods of such inhabitants, as in such cases is usual, rendering the overplus (if any) to the owner.

III. And be it also enacted by the authority aforesaid, That in case the scavenger, or any other person or persons employed to sweep the said streets and lanes, and carry away the filth and dirt thereof, shall fail or neglect to do the same in such manner, and at such times, as the same is directed to be done by the said acts, it shall and may be lawful to and for the church-wardens and overseers

overseers of the watch in their respective parishes, or any of them, A. D. 1729.  
 or any other person or persons whatsoever, to cause the said streets and lanes to be swept, and the dirt and filth to be carried there- Chap. 134  
 out, and that the sum of five shillings *sterling* shall be paid out of the treasury of the said city to the person or persons, who shall <sup>and shall be</sup> do or cause the same to be done, for each cart load of dirt or filth <sup>paid by trea-</sup> that shall be so carried out of any of the streets or lanes belong- <sup>urer, &c.</sup> ing to the said city, by the treasurer or other officer, who is or <sup>5 s. each cart</sup> shall be intrusted with the receipt and payment of the money be- <sup>load.</sup> longing to the said city, to the person to whom the same is to be paid, demanding the same, and making it appear by one or more affidavits how many cart loads were so carried out, and the sum of five shillings for each cart load of dirt which shall be so carried out of any of the streets or lanes belonging to the liberties of Saint Sepulchre's, Thomas-court, or Donore respectively, by the seneschals of the said liberties respectively, or other officer who shall be intrusted with the receipt and payment of the money raised in the said liberties for cleansing the said streets; and in case such treasurer, seneschal, or other officer shall neglect or refuse to pay on non-pay-  
 the same, then upon complaint to any one of the judges of the <sup>ment, it shall</sup> court of King's bench it shall and may be lawful to and for the <sup>be levied on</sup> said judge and he is hereby impowered and required, to issue <sup>complaint to a</sup> a summons, and upon service thereof to proceed in a summary <sup>judge of</sup> way upon the said complaint by examining witnesses to the truth <sup>B. R. by war-</sup> of the facts therein alledged; and in case it shall appear to the <sup>rant,</sup> said judge, that the sum demanded ought to have been paid according to the intent and true meaning of this act, then the said judge is hereby required to issue his warrant to any constable, or such other officer as he shall appoint to levy the said sum, with such costs as he shall think fit, by distress and sale of the said treasurer's, <sup>Treasurer,</sup> seneschal's, or other officer's goods, returning the overplus to the <sup>&c. may re-</sup> owner; and the said treasurer, seneschal, or other officer may, if he <sup>tain (except</sup> thinks fit, retain the sum levied (except the costs) out of the sca- <sup>costs) out of</sup> vanger's salary or wages. <sup>scavenger's</sup> <sup>salary,</sup>

IV. And whereas several mischiefs have happened by the lord Constables  
 mayor's frequent disapproving of persons, who have been chosen to <sup>chosen at ves-</sup> serve as constables at the several vestries, and presented or return- <sup>try, and re-</sup> ed to the said lord mayor to be sworn into the said office, and <sup>turned to lord</sup> that without any reasonable cause assigned: for remedy whereof <sup>mayor, shall be</sup> be it enacted by the authority aforesaid, That every person, so re- <sup>sworn, unless</sup> turned to serve as constable, shall be sworn into the said office, <sup>reasonable</sup> unless disapproved for a reasonable cause, to be made appear by <sup>cause for dis-</sup> one or more affidavits, and unless such disapprobation with the <sup>approbation,</sup> reasons thereof be certified under the hands of the lord mayor <sup>on affidavit,</sup> and recorder, and returned to the minister of the parish within <sup>and certified</sup> eight <sup>in 8 days to</sup> <sup>the minister,</sup> <sup>and filed:</sup> <sup>10 G. 1. 3.</sup>

**A. D.** eight days after such constable shall be so returned to the lord mayor and filed with the clerk of the vestry; which certificate  
 1729. shall be granted and filed without fee or reward; and if the pa-  
 Chap. 13. rishioners in vestry assembled shall think themselves aggrieved by  
 such disapprobation, and that it is not reasonable and sufficient, it shall and may be lawful to and for the church-wardens of such parish by an order of vestry to lay the same before any one of the judges of his Majesty's court of King's bench, who upon hearing the matter is hereby impowered and required under his hand and seal to approve or disapprove of the person or persons so chosen and presented, and in case such judge shall disapprove of such person or persons, the parishioners shall proceed to a new election.

Church-wardens by order of vestry may lay it before a judge of B. R. and if disapproved, a new election.

the name of constable's deputy shall be returned to vestry,

and if disapproved, vestry shall appoint one.

**V.** And whereas persons chosen into the office of constable are some times permitted to execute the same by deputies, which deputies are often unfit for so great a trust: be it enacted by the authority aforesaid, That every constable so chosen, who shall desire to act by a deputy, shall return the name of such deputy to the parish in vestry assembled, who may approve or disapprove of the same, and if the person so returned shall be disapproved, the vestry shall nominate and appoint a deputy-constable at their discretion.

Lord mayor, on notice in writing that a common sewer is open, shall direct city surveyor to provide a watch and light, till repaired.

the like direction to constables by seneschals of the liberties;

who are to pay, and be reimbursed by presentment of the grand jury.

**VI.** And whereas it often happens, that the common sewers and water-courses within the city of Dublin, and liberties and suburbs thereof, and the liberties of Saint Sepulchre's, Thomas-court, and Donore, are laid open, or fall in, by means whereof the lives of his Majesty's subjects, who may pass that way in the night time, are endangered: be it enacted by the authority aforesaid, That the lord mayor of the city of Dublin for the time being, having notice given to him in writing that any common-sewer or water-course is open or fallen in within his jurisdiction, shall forthwith give directions to the city surveyor to provide some fit person to watch by the same with a light from sun-set to sun-rise, until such breach shall be repaired and made up; and that the seneschals of the liberties of Saint Sepulchre's, Thomas-court, and Donore respectively, shall after like notice given to them that any common-sewer or water-course is open or fallen in within their respective jurisdictions, give directions to the constable or constables of their respective liberties to provide some fit person to watch by the same in manner before directed; which said watch-man shall be paid by the said respective seneschals, who shall be reimbursed such money by the presentment of the grand jury of the said respective liberties; which said grand juries of the respective liberties aforesaid are hereby impowered to raise and levy such money, as other publick money is levied within the said liberties; and in case the said lord mayor and the said seneschals, or either of them,



them, shall fail to give such orders to the persons before mention-  
 ed within their respective jurisdictions, the said lord mayor shall  
 for every such failure or neglect forfeit the sum of forty shillings  
 for each night, he shall have so failed or neglected to give such di-  
 rections, and the said seneschals, or either of them shall for every  
 such failure or neglect forfeit the sum of twenty shillings *sterling*;  
 the said penalty of forty shillings *sterling* on the lord mayor, and  
 the said penalty of twenty shillings, to be recovered by civil bill at  
 the quarter-sessions held for the county of Dublin and city of Dub-  
 lin, which they are hereby impowered to hear and determine in like  
 manner, as debts are recoverable by civil bill; one moiety of which  
 said several penalties before mentioned shall go to the informer,  
 and the other moiety to the poor of the parish where the offence  
 is committed; and in case the city-surveyor, or constables of either  
 of the said liberties, having received such directions, shall fail or  
 neglect to provide some fit person to watch with a light in man-  
 ner before directed, such city surveyor or constable shall for every  
 night, they have not provided such fit person to watch as aforesaid,  
 forfeit respectively a sum not exceeding twenty shillings, nor less  
 than ten shillings *sterling*; and in case any watchman so appoint-  
 ed by the city-surveyor or constables as aforesaid shall neglect to  
 watch with a light as aforesaid, he shall forfeit the sum of five  
 shillings for every night, in which he shall be guilty of such ne-  
 glect; the said forfeitures hereby imposed upon the said city-sur-  
 veyor, constables, and watchmen, or any of them, to be levied by  
 distress and sale of the goods of such city-surveyor, constable, or  
 watchmen, by warrant of any one of the justices of the peace of  
 the city of Dublin or justices of the peace for the county of  
 Dublin respectively, and, in case such justice shall refuse or neglect  
 to grant such warrant for the space of twenty four hours, then  
 and in such case by warrant of any one of the judges of his Ma-  
 jesty's court of King's bench, which they are hereby required to  
 issue on oath made of such failure or neglect; and in case it shall  
 appear to such judge upon examination of the party upon oath,  
 that the said justice or justices of the peace, to whom applicati-  
 on was made for such warrant, cannot assign some reasonable cause  
 for his refusing or neglecting to issue such warrant, that then and  
 in such case the said justice of the peace so refusing or neglect-  
 ing to issue his warrant shall forfeit the sum of twenty shillings,  
 to be levied by warrant under the hand and seal of such judge of  
 the goods and chattles of the offender; one moiety of all such  
 forfeitures imposed upon the city-surveyor, constables, watchmen,  
 or justices of the peace, shall be applied to the use of the informer,  
 and the other moiety to the use of the poor of the parish where  
 such

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Penalty on  
lord mayor  
40 s. every  
neglect:  
on senes-  
chals 20 s.  
by civil bill,

to the poor  
and informer:

Surveyor or  
constable ne-  
glecting,

penalty not  
above 20 s.  
nor under  
10 s. every  
night.

Watchman  
neglecting,  
penalty 5 s.  
every night.

Said forfei-  
tures levied by  
warrant of a  
justice; or,  
if not granted  
in 24 hours,  
of a judge of  
B. R.

If reasona-  
ble cause not  
assigned by  
the justice,  
penalty 20 s.

all said for-  
feitures to the  
poor and in-  
former.

A. D. such offence is committed, rendering the overplus to the owner  
 1729. (if any be) and in case sufficient distress cannot be found to  
 Chap. 13. levy the said forfeitures on the said watchmen, it shall be lawful  
 for the said justice or judge to commit such watchman to the  
 house of correction, there to be kept at hard labour for the space  
 of ten days.

Watchman,  
 on default of  
 distress, sent  
 to the house of  
 correction 10  
 days.

When fit  
 scavengers  
 presented at  
 any leet for  
 the liberties,  
 grand jury  
 shall ascertain  
 annual sums  
 payable by in-  
 habitants, as  
 effectual as if  
 by 6 G. 1. 15.  
 Sec. 4.

VII. And be it further enacted by the authority aforesaid, That  
 when any fit person or persons shall be presented for scavenger or  
 scavengers at any court-leet to be held for the liberties of Saint  
 Sepulchre's, Thomas-court, and Donore, the grand juries of the  
 said respective liberties shall in such their respective presentments  
 ascertain the annual sum or sums of money, which shall be paid by  
 the respective inhabitants of the said liberties for cleansing the  
 streets and lanes of the same; which presentment shall be as ef-  
 fectual in that behalf, as if the same were made in any court-leet  
 for the said liberties held immediately after Easter, as was directed  
 by an act made in the sixth year of the reign of his late Majes-  
 ty King George the first, intituled, *An act for the more effectual  
 amendment of the pavements of the several counties of cities, and  
 counties of towns in this kingdom; and for preventing mischiefs  
 that may happen by fire in the city of Dublin; and for aug-  
 menting the number of hackney-coaches and chairs in the said city;*  
 the said act, or any law or statute, to the contrary in any wise not-  
 withstanding.

and in the  
 presentment  
 name applot-  
 ters,

to be sworn

Inhabitants  
 not paying,  
 levied by dis-  
 tress, on se-  
 neschal's war-  
 rant.

VIII. And be it further enacted by the authority aforesaid,  
 That the grand juries for the said liberties respectively shall also  
 in such presentment name two or more applotters, who shall be  
 sworn in open court equally and indifferently to applot such sum  
 or sums of money upon the several inhabitants of the said respec-  
 tive liberties; and in case any of the inhabitants thereof shall  
 neglect or refuse to pay the sum so applotted to be paid by him  
 or them respectively to the said scavenger by the said present-  
 ment, that then and so often the seneschals of the respective li-  
 berties shall issue a warrant under their hands and seals to levy  
 the same by distress, and cause so much of the offenders goods to  
 be sold, as shall pay the scavenger the sum, that the said offender  
 was obliged to pay by the said presentments and applotment, ren-  
 dring the overplus to the owner.

Lights erect-  
 ed in Water-  
 ford and Gal-  
 way by per-  
 sons appointed  
 under corpo-  
 ration seal.

33 G. 2. 18.  
 1 G. 3. 17.

IX. And whereas the erecting and putting up lights in the  
 cities of Dublin, Corke, and Limerick hath been found to be  
 of great use for preventing murders and robberies there; and that  
 the putting up the like and regularly keeping them in the city  
 of Waterford, and town of Galway, and liberties thereof may  
 prevent the like evils and other mischiefs therein: be it enacted  
 by

by the authority aforesaid, That it shall be lawful for the said A. D. city of Waterford and town of Galway by writing under their 1729. respective corporation seals from time to time to nominate and ap- Chap. 13. point such person or persons, as to them shall seem proper, to erect and put up such lights in the said city and town, and the liberties thereof; which persons so to be nominated and appointed; and no other, shall have full power and authority to erect and put up lights in the said city and town, and liberties thereof, in the same manner, of the like kind, dimensions, fashion, and goodness, and set up of the same height, and placed at the like distance, and to be maintained with good and sufficient lights, to be lighted up and continue burning with double wick, and a sufficient quantity of rape-oyl of the produce of this kingdom, or of sun-fish-oyl made in this kingdom, as directed by an act of Parliament made in the sixth year of the reign of his late Majesty King George the first, intituled, *An act for erecting and continuing lights in the city of Dublin, and the several liberties adjoining; and also in the cities of Corke and Limerick, and liberties thereof;* as by 6 G. 1. 18. and for the paying and bearing all the charges and expences of all the said lanthorns and publick lights so to be erected and maintained, there shall be allowed and paid by the inhabitants of the said city and town, and the liberties thereof respectively, the like sum and sums of money, by such payments, and at such times, and in like manner, as is appointed by the before mentioned act to be paid in the said cities of Dublin, Corke, and Limerick, and the liberties aforesaid for the lights there erected; and that the persons, so to be nominated and appointed as aforesaid, shall by themselves or servants have full power and lawful authority to collect, distrain, and receive to his or their own use all such sum and sums of money, as shall be payable for erecting and maintaining such lights, according to the rates and in such manner as by the aforesaid act is appointed for erecting and maintaining lights in the said cities of Dublin, Corke, and Limerick, and in case of non-payment by the space of twenty one days after demand made it shall and may be lawful to and for such person, or persons, as shall be nominated and appointed as aforesaid, or their servants within the said city and town, and liberties respectively, from time to time and at all times hereafter, as often as there shall be occasion, to distrain for such assessment or rates upon any inhabitant, that shall refuse or neglect to pay the same, and to make sale of such distress or distresses, deducting thereout what shall be really due, returning the overplus to the owner; and in case the person or persons so to be nominated and appointed as aforesaid, or those to be employed by them to attend the said lamps, shall be negligent in performing their duties respectively in erecting

The like method of charging inhabitants.

and remedy for non-payment.

- A. D. erecting and fitting of Lanthorns and lamps in all convenient places  
 1729. within the said city, town, and liberties, or in maintaining the  
 Chap. 13. lights and snuffing them, and cleansing the glass of the lanthorns,  
 as they ought to be, or if any person or persons employed to at-  
 tend the lamps shall imbezle or misapply the oyl, cotton, or wick,  
 delivered to him or them, or if any person or person shall wilful-  
 ly and maliciously break any lanthorns or lights, or pull out any  
 irons fixed for holding them, or break any glass-windows or palli-  
 sadoes, and shall be thereof convicted before the chief magistrate  
 of the said city or town respectively for the time being; in like  
 manner as mentioned in the aforesaid act relating to the cities of  
 Dublin, Corke, and Limerick, such person and persons shall for-  
 feit for every such default, neglect, or offence, such and the like  
 forfeitures, as are mentioned in the said act, to be levied and dis-  
 posed of, and suffer such penalties, as the said act directs, with like  
 privilege to any person or persons, that shall be sued for doing or  
 causing to be done any thing in pursuance hereof, of pleading  
 the general issue, and giving the special matter in evidence, and  
 having such costs, as is mentioned in the aforesaid act relating to  
 Dublin, Corke, and Limerick; and if any replevins shall be  
 brought or prosecuted for any distress to be taken by virtue here-  
 of, the same shall be heard summarily and finally determined by  
 and before the chief magistrate of the said city and town respec-  
 tively for the time being, and not elsewhere, in like manner as by  
 the said act the lord mayor of Dublin, and the mayors of Corke  
 and Limerick, are to determine such replevins; and that the per-  
 son or persons, that shall be nominated and appointed as aforesaid,  
 shall in twenty one days after being so nominated and appointed  
 enter into security of five hundred pounds *sterl.* before the respective  
 chief magistrate of the said city and town for true performance on  
 their parts of all, that ought to be observed and performed by  
 them according to the directions of the aforesaid act relating to  
 the cities of Dublin, Corke, and Limerick, and at the same time  
 take before such chief magistrate the oaths, and subscribe the de-  
 claration, mentioned in the act to prevent the further growth of  
 popery, and continue in such office or employment respectively  
 during good behaviour, and no longer.
- X. And be it further enacted by the authority aforesaid, That  
 a pattern-lanthorn and irons shall be deposited with, and always  
 kept by, the chief magistrate of the said city and town respec-  
 tively, as directed by the aforesaid act to be deposited with the lord  
 mayor of Dublin, and the mayors of Corke and Limerick, to the  
 intent the lamps may constantly be kept up according to the dimen-  
 sions of the said pattern.

the like pe-  
nalties,

and privilege  
to persons  
sued for act-  
ing.

Replevins  
heard summa-  
rily by chief  
magistrate.

Appointees  
in 21 days to  
give 500 l. se-  
curity, take  
the oaths, &c.

to continue  
during good  
behaviour.

Pattern-lan-  
thorn and  
irons kept by  
chief magis-  
trate.

C H A P.

C H A P. XIV.

*An act to prevent unlawful combinations of workmen, artificers, and labourers employed in the several trades and manufactures of this kingdom, and for the better payment of their wages: as also to prevent abuses in making of bricks, and to ascertain their dimensions.*

WHEREAS great numbers of workmen, artificers, and others concerned in the several trades and manufactures of this kingdom have without any charter or other licence or authority lately formed themselves into unlawful clubs and societies, and have presumed contrary to the law to enter into combinations, and to make by-laws and orders, by which they pretend to regulate the trade and the prices of goods, and to advance their wages unreasonably, and many other things to the like purpose: and whereas it is necessary, that more effectual provision should be made against such unlawful combinations; and for preventing the same for the future: be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all contracts, covenants, or agreements, and all by-laws, ordinances, rules, or orders in such unlawful clubs or societies heretofore made or entered into, or hereafter to be made or entered into, by or between any persons brought up in or professing, using, or exercising any of the arts and mysteries of the several trades and manufactures of this kingdom, for regulating the said trade or mystery, or for regulating or settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, shall be and are hereby declared to be illegal, null, and void, to all intents and purposes: and further, that if any person or persons concerned in the said several trades and manufactures of this kingdom shall at any time or times after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty keep up, continue, act in, make, enter into, sign, seal, or be knowingly concerned in, any contract, covenant, or agreement, by-law, ordinance, rule, or order of any club, society, or combination, by this act declared to be illegal, null, and void, or shall presume or attempt to put any such illegal agreement, by-law, ordinance, rule, or order in execution; every person so offending, being thereof legally convicted upon the oath or oaths of one or more

17 G. 2. 8.  
further in-  
forced.

Contracts  
and by-laws  
by unlawful  
clubs of artifi-  
cers, &c. re-  
gulating the  
trade, settling  
prices, ad-  
vancing wa-  
ges, or lessening  
hours of  
work, void.

1 & 3 E. 6.  
15. Eng.

5 G. 2. 4.  
against strik-  
ing employer.

Offenders,  
on conviction  
before 2 just-  
ices on prose-  
cution in 3  
months, com-  
mitted not a-  
bove 3 months.

A. D. credible witness or witnesses before any two or more justices of the peace for the county, city, town, or place, where such offence shall be committed, upon any information exhibited or prosecution within three calendar months after the offence committed, which oaths the said justices are hereby impowered and required to administer, shall by order of such justices at their discretion be committed either to the house of correction, there to remain and be kept to hard labour for any time not exceeding three months, or to the common goal of the city, county, town, or place, where such offence shall be committed, there to remain without bail or mainprize for any time not exceeding three months.

Artificer,  
 &c. quitting  
 service before  
 his time, or  
 his work 3  
 days, or re-  
 turning his  
 work unfinish-  
 ed,

Penalty un-  
 less cause al-  
 lowed by 2 jus-  
 tices, 5 l.

to the poor  
 and informer.

But no pe-  
 nalty, if want  
 of materials,  
 or non-pay-  
 ment of wages  
 by employer.

II. And be it enacted by the authority aforesaid, That if any person actually retained or employed as an artificer, workman, servant, or labourer, in any of the several trades or manufactures of this kingdom shall at any time or times after the said twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty depart from his service before the end of the time or term, for which he is or shall be hired or retained, or shall quit his work for the space of three days, or return his said work, before the same shall be compleatly finished, without the consent of the person or persons by whom he shall be so employed or retained, unless it be for some reasonable and sufficient cause, to be allowed by two or more justices of the peace in their respective jurisdictions; then in every such case every person so offending, being thereof lawfully convicted before two or more justices of the peace as aforesaid, shall forfeit and pay the sum of five pounds *sterling*; one half thereof to be given to the informer, and the other half to the poor of the parish; which said sum of five pounds *sterling* the said justices of the peace are hereby authorized and required to levy by issuing their warrant or warrants under their hands and seals for distress and sale of the offenders goods and chattels, rendering the overplus to the owner; and for want of sufficient distress to commit the party or parties offending to the house of correction, there to be kept to hard labour for any time not exceeding three months.

III. Provided always, That if the person or persons so employing or retaining any such artificer, servant, workman, or labourer, shall not from time to time constantly furnish and supply him with proper stuff and materials, or shall not from time to time pay and discharge all such wages and hire, as the same shall become due to any such artificer, servant, workman, or labourer, so retained or employed as aforesaid, according to such agreement as is or shall be made for that purpose, such want of materials or non-payment of wages being first lawfully proved before

two

two or more justices of the peace ; in every such case such artificer, servant, workman, or labourer, shall not be liable to the penalties herein before mentioned for departing from his service, or quitting or returning his work, as aforesaid.

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IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the person or persons so employing any such artificer, servant, workman, or labourer as aforesaid, to receive or employ any other person or persons to finish and compleat such work, as shall be so left by any such artificer, workman, servant, or labourer as aforesaid ; and the person, who shall be received and employed to finish such work as aforesaid (though not free of any corporation) shall not be liable to, and is hereby exempted from, any fines and penalties, that may be inflicted or imposed by any court or corporation for or in respect of his finishing the said work : and if any dispute shall arise or happen between any master-workman, or other person employing any such artificer, workman, servant, or labourer as aforesaid, about the goodness of stuff or materials, or whether the same be fit, or a sufficient quantity given for the work, for which they were intended, that then upon application made by either of the said parties to one or more justice or justices of the peace, such justice or justices is and are hereby authorized and required to give directions to the master and wardens of the corporation or trade used, exercised, or professed by either of the said parties, and in such places, where no corporation is subsisting, then to any other experienced person, to examine into the premises ; and the judgment and decision, so made therein by the said master and wardens or other experienced person, is hereby declared to be definitive.

Any one, tho' not free of a corporation may compleat work so left unfinished, without being liable to a penalty.

Disputes about the goodness or quantity of materials shall, on application to a justice, be finally decided by the corporation or trade ; or, if none, any experienced person.

V. And be it enacted by the authority aforesaid, That in case of such disputes, if any workman shall provide stuff or materials without the consent of the employer, before the determination first had as aforesaid, under pretence of making a particular charge thereof, or otherwise, that then it shall be lawful for such employer or master-workman to refuse payment for the same, and to plead the general issue in any action to be brought upon account thereof, and to give this act and the special matter in evidence.

If before such determination a workman provides materials without consent of employer, he may refuse payment ; and, if sued, plead general issue, &c.

VI. And be it enacted by the authority aforesaid, That if any master-workman, or other person whatsoever for him by his direction or with his privity, shall knowingly receive, employ, or entertain any artificer, workman, servant, or labourer, already employed or retained by another, during the time he is so employed or retained, without leave of the person or persons by whom he is so employed or retained, that then and in such case

Employing without leave artificer, &c. retained by another,

A. D. every such offender, being thereof lawfully convicted, shall for 1729. every such offence forfeit and pay the sum of five pounds *ster-*  
 Chap. 14. *ling*, one half thereof to be given to the person aggrieved, and the other half to the poor of the parish where such offence shall be committed, the same to be levied by distress and sale of the offenders goods and chattels by warrant or warrants under the hands and seals of any one or more justices of the peace within their respective jurisdictions, rendering the overplus to the owner; and for want of such distress such justices shall commit the person or persons so offending to the common goal of the county, city, town, or place, where such offence shall be committed, there to remain without bail or mainprize for any time or space not exceeding three months.

Artificer,  
 &c, wilfully  
 damnifying  
 the goods  
 committed to  
 him,

penalty  
 double value,  
 to owner.

VII. And be it further enacted by the authority aforesaid, That if any artificer, workman, servant, or labourer, hired, retained or employed in any of the several trades and manufactures of this kingdom as aforesaid, shall wilfully damnify, spoil, or destroy without the consent of the person or persons, by whom he shall be so hired, retained, or employed, any of the goods, wares, or work committed to his care or charge, or wherewith he shall be intrusted, every such offender and his accomplices, being thereof lawfully convicted in manner as is before mentioned, shall forfeit and pay to the owner or owners of such goods, wares, or work, so damnified, spoiled, or destroyed, double the value thereof, to be levied by distress and sale of the offenders goods and chattels by warrant or warrants under the hands and seals of any two or more justices of the peace within their respective jurisdictions; and for want of sufficient distress, such justices shall commit the party or parties so offending to the house of correction, there to remain and be kept to hard labour for any time not exceeding three months, or until satisfaction be made to the party or parties aggrieved for the same.

Employer  
 shall pay the  
 full wages in  
 money only,  
 and make no  
 deduction  
 without con-  
 sent;  
 10 Anne 16.  
 sec. 6. Eng.  
 13 G. 2. 8.  
 sec. 6. Eng.

VIII. And be it enacted by the authority aforesaid, That every person or persons concerned in employing any artificers, work-men, servants, or labourers, in any of the trades or manufactures of this kingdom as aforesaid, shall, and they are hereby obliged and required to, pay unto all persons, by them employed in the several trades and manufactures aforesaid, the full wages or other price agreed on in good and lawful money of this kingdom, and shall not pay the said wages, or other price agreed on, or any part thereof in goods, or by way of truck, or in any other manner than in money as aforesaid, or make any deduction from such wages or price for or on account of any goods sold or delivered previous to such agreement by any person



person or persons whatsoever, or in order to pay any ale-house A. D. or tavern-scores, or other debts whatsoever, without the con- 1729. sent of the person or persons so by them hired and employed as Chap. 14. aforesaid : and for more easy recovering the said wages or price agreed on it shall be lawful for any two or more justices of the peace within their respective jurisdictions, and they are hereby authorized and required, upon complaint made for that purpose to summon before them the party or parties offending (he or she not being a peer or peers of this realm) and for non-payment of such wages, or price agreed on in money, or sufficient satisfaction given for the same to the good liking of the party or parties aggrieved, to issue their warrant or warrants under their hands and seals for levying such wages or price agreed on due as aforesaid (provided the same shall not exceed the sum of three pounds) by distress and sale of the offenders goods and chattels, rendering the overplus to the owner, and for want of sufficient distress, to commit the party or parties offending to the common goal of the county, city, town, or place, where such offence shall be committed, there to remain without bail or mainprize, until he, she, or they shall pay such wages or price agreed on in money as aforesaid, or give full satisfaction for the same to the good liking of the party aggrieved.

On complaint for non-payment of wages (not above 3l.) 2 justices may summon offender (not a peer) and issue warrant to distrain. 2 G. I. 17.

IX. Provided always, That it shall and may be lawful for any person aggrieved by any order or orders, to be made by any two or more justices of the peace in pursuance of this act, to appeal to the justices of the peace assembled at the next general quarter-sessions to be holden for the county, city, division, parish, or place, where such order shall be made, giving reasonable notice of such appeal ; the reasonableness of which notice shall be determined by the justices of the peace at the quarter-sessions, to which the appeal is made ; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter-sessions, and then and there finally hear and determine the same ; and the justices, who in the general quarter-sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall seem just.

Appeal to sessions, on reasonable notice, adjourned if not reasonable.

Costs to either party.

X. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty no master-workman, overseer, or undertaker of any work, who shall employ any workmen or journeymen under him at daily or weekly wages, shall upon any pretence whatsoever charge his employer with any further sum or sums of money for the wages

Master-workman charging employer with more for journeymen's wages than he really paid,

ges

A. D. 1729. ges of such workmen or journeymen, than what such master-workman, overseer, or undertaker, shall actually and *bona fide* pay to such workmen or journeymen; and in case such master-workman, overseer, or undertaker, shall offend herein, such master-workman, overseer, or undertaker, shall forfeit for every such offence the sum of ten pounds, to be recovered by civil bill in such manner as small debts are recoverable.

Abuses in making brick,

miscie f,

considerable sums exported,

downfal of edifices.

12 G. 1. 35.  
Eng.  
2 G. 2. 15.  
Eng.

Makers of brick for sale shall dig and turn the clay before Nov. preceding the burning.

strip the upper soil, and use only natural brick earth, and turn and temper it

XI. And whereas in the art or mystery of brick-making several great abuses already have been, and are likely to be, committed for the future, unless due care be taken for the prevention thereof in and about the city of Dublin, and in several other parts of this kingdom; whereby bricks, which have been made for publick sale, are so ill prepared, made, and burnt, that they are scarce able to bear their own weight, which has either occasioned several considerable sums of money to be every year sent out of the kingdom to buy good bricks from Holland, or has otherwise occasioned great damage not only to the particular persons, who have bought and used such bad bricks so made and prepared as aforesaid, but also to his Majesty's good subjects in general, by the sudden decay and downfal of edifices and houses built therewith, whereby the streets and publick places are continually annoyed with repairs, to the great hindrance as well as imminent danger of all such person and persons who pass and repass on their different occasions: and whereas there is at present no provision made by any law for the dimensions of bricks to be made and used in buildings in this kingdom: be it enacted by the authority aforesaid for the common good and benefit of his Majesty's subjects, and the duration of buildings, and the better ascertaining the times of digging the earth, and the manner of making and burning bricks hereafter to be made for sale, and the lengths, breadths, and thickness thereof, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty every person and persons, who shall make or cause to be made bricks for publick sale, or shall expose such bricks, when made, to publick sale in any of the brick-fields or lands in or about the city of Dublin, or in any other parts of this kingdom, shall be obliged to dig and turn such clay before the month of November next preceding the burning of such bricks, and in so doing shall fairly and cleanly uncaloe or strip the upper soil from such brick-earth, as he or they shall make use of, and shall not on any pretence whatsoever make use of any other than the proper and natural brick-earth, and shall also be obliged to turn and temper the clay once more after the month of November, and before the month of February next

next preceding the burning of such bricks as aforesaid ; and also that no brick-maker, temperer, moulder, or any other person or persons employed in the art or mystery of brick-making, shall in any way mould or cast in form any clay, which has not first been tempered and turned in manner, as is herein before mentioned, and picked clear of stones of any kind, particularly lime-stones ; or shall on any pretence whatsoever mould or form into brick any clay, wherein there is any lime-wash, or mould, or form any bricks as aforesaid after the twenty fifth day of November in any year and before the twenty fifth day of March following.

XII. And whereas in moulding or forming of bricks good and proper clay may be and is frequently made into bad bricks by the too great softness of the temper, whereby, though the moulds or forms be made of a proper size, yet from the retiring or shrinking of the clay, when burnt, bricks become of an irregular and improper size and shape : be it further enacted by the authority aforesaid, That all bricks, which shall at any time or times from and after the said twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty one be made or burnt for sale, shall when burnt be not less than nine inches and a half long, four inches and a half broad, and two inches and a quarter thick ; and also that no moulder, brick-maker, or other person whatsoever, in forming or moulding bricks pursuant to the tenor of this act shall cast into form or mould any piece or parcel of clay, as it is delivered to him or them on the stool, or elsewhere, unless it be of such a consistence, that it will stick together, if taken up with a common pitch-fork of two grains or tangs : and further, that no person or persons employed in the art or mystery of brick-making shall mould, form, or burn any bricks in any other time of the year than between the first day of March and first day of November, unless such bricks, so made or burnt at any other time than as aforesaid, be for the proper and private use of the person or persons so making or burning the same, and not for publick sale, or to be used in any of the edifices or buildings of the city of Dublin, or any corporate town or city in this kingdom.

XIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times from and after the said twenty fifth day of March one thousand seven hundred and thirty one make any bricks for sale in any other manner, than is herein before directed and appointed, upon complaint made thereof by one or more person or persons before two or more justices of the peace within their respective jurisdictions, such justices are hereby authorized and required to summon the

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person

A. D. 1729.  
Chap. 14.  
once after Nov. and before Feb.  
no clay shall be moulded into form that is not so tempered, and cleared of stones, particularly lime-stones, nor where lime-wash ;  
no bricks moulded after 25 Nov. and before 25 March.  
Bricks for sale, when burnt, not less than 9 inches and a half by 4 and a half, and 2 and a quarter thick :  
the clay shall stick together if taken up with a common pitch-fork :  
none to be burnt except between 1st. March and 1st. November,  
unless for private use,  
and not for a corporate town or city.  
Penalty 20s. per 1000, before 2 justices, to the poor and infirm.

A. D. person or persons so complained of to appear before them; and  
 1729. upon the appearance or default of the person or persons so com-  
 Chap. 14. plained of, and due proof of such offence by the oath or oaths of  
 one or more credible witness or witnesses, to convict such offender  
 or offenders, and adjudge that he or they shall forfeit and pay the  
 sum of twenty shillings *sterling per* thousand, and so proportiona-  
 bly for a greater or lesser quantity, of bricks as shall be so made  
 for sale contrary to the tenor, purport, true intent and meaning  
 of this act; one half thereof to be given to the first informer,  
 and the other to the poor of the parish; the same to be levied  
 by warrant to be issued under the hands and seals of any two or  
 more justices of the peace within their respective jurisdictions by  
 distress and sale of the offenders goods and chattles, rendring the

On default  
 of distress,  
 imprisonment  
 not above 3  
 months.

overplus to the owner; and for want of sufficient distress such  
 justices are hereby authorized and required to commit the per-  
 son or persons so offending to the common goal of the city,  
 county, town, or place, where such offence shall be committed,  
 there to remain without bail or mainprize for any term or time  
 not exceeding three months.

Appeal to  
 sessions,

XIV. And be it declared and enacted by the authority afore-  
 said, That if any person or persons shall think him or themselves  
 aggrieved by such distress, sale, or imprisonment, he or they may  
 appeal to the next general quarter-sessions of the peace to be hol-  
 den for the county, city, town, or place, where such distress, sale,  
 or imprisonment was made, who are hereby impowered to hear  
 and finally determine the same, and to award such costs to the  
 party, who shall appear to be aggrieved by such appeal, as they  
 shall think reasonable.

where costs  
 awarded.

A car-load  
 of brick, 125:  
 of stones 500  
 weight: slack-  
 lime, 64 gal-  
 lons per hog-  
 head.

XV. And be it enacted by the authority aforesaid, That if  
 any carter, carman, loader, or other person or persons concerned,  
 shall deliver false or unusual measure, weight, or quantity, either  
 in bricks, lime, stone, or sand (which usual weight, measure, and  
 quantity, is hereby declared to be in brick one hundred and  
 twenty five to the car-load, in slack lime sixty four gallons to  
 the hoghead, and in stones five hundred weight to the cart-  
 load) or any other materials requisite and necessary in building,  
 which false measure, weight, or quantity, is commonly called  
 by workmen running a brick, or shall wilfully endeavour to im-  
 pose a false account of any such delivery on the person or per-  
 sons, to whom the same are to be delivered, every such offender,  
 being thereof lawfully convicted upon the oath or oaths of one  
 or more credible witness or witnesses before any one or more  
 justices of the peace within their respective jurisdictions, shall for  
 every such offence forfeit and pay the sum of twenty shillings  
*sterling*; the same to be levied by distress and sale of the offen-  
 ders

Delivering  
 false measure,  
 &c. for  
 building.

Penalty  
 20 s. before a  
 justice,

ders goods and chattels in manner as is before mentioned, and A. D. for want of distress shall be committed to the house of correction, 1729. there to remain and be kept to hard labour for any time not exceeding three months. Chap. 14.

XVI. And whereas the quick and sudden decay of the buildings and edifices in the city of Dublin, as well as the frequent fires happening therein, are generally owing to the improper placing of timber in brick or stone work, and through party-walls : be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and thirty if any mason, bricklayer, or other workman, shall lay, or cause to be layed, any beam, joice, or piece of timber whatsoever, in any party-front, or back-wall of any house within the city of Dublin, or within any other city or town in this kingdom, in such a manner that it shall appear through the same, or shall lay it within four inches of the outside of the said wall, or shall build or repair from the foundation any brick or stone-walls upon timber, so that the same shall bear or depend thereon (except what timber shall be necessary in securing foundations, or for making shop-windows and doors) such person or persons so offending, being thereof lawfully convicted upon the oath or oaths of one or more credible witness or witnesses before any two or more justices of the peace within their respective jurisdictions, shall for every such offence forfeit and pay the sum of five pounds *sterling* ; one half thereof to be given to the informer, and the other half to the poor of the parish ; the same to be levied by distress and sale of the offenders goods and chattles in manner as is herein before mentioned ; and for want of sufficient distress shall be committed to the common goal of the city, county, town, or place, where such offence shall be committed, there to remain without bail or mainprize for the space of three months, or till such time as the said sum of five pounds *sterling* shall be fully satisfied and paid.

on default  
of distress,  
sent to house  
of correction  
3 months.  
7 Anne 17.  
sec. 12. Eng.  
To prevent  
decay in  
buildings, and  
frequent fires,  
no timber  
in any party-  
wall, &c. in  
city or town,  
so as to ap-  
pear through,  
nor within 4  
inches of the  
outside ;  
nor any  
brick or stone  
wall bear on  
timber,  
unless ne-  
cessary in  
foundations,  
or for shop-  
windows or  
doors.  
Penalty 5 l.  
to the poor  
and informer,  
or imprison-  
ment 3  
months.

A. D.

1729.

## C H A P. XV.

*An act for the more speedy tryal of criminals in the county of the city of Dublin, and county of Dublin.*

Causes of  
making this  
act,

crimes more  
frequent, by  
increase of in-  
habitants in  
Dublin and  
the county :

the gaols  
should be fre-  
quently de-  
livered, &c.

King's  
bench, cham-  
bers and area,  
both in the  
county and  
county of city  
of Dublin, for

WHEREAS of late years by the great increase of the inhabitants of the county of the city of Dublin, and county of Dublin, murders, felonies, and other crimes and offences are more frequently committed than heretofore, by reason whereof the gaols of the said counties are generally filled with prisoners, and several persons committed after term for murder and other crimes made treason by act of Parliament, and divers felons are frequently obliged to continue in confinement during a long vacation, in regard such traytors and felons cannot be tryed at the general quarter-sessions of the peace held for such counties, the power and authority of the justices of the peace not extending to the tryal of treasons, nor to all felonies : and whereas it may be of great service to the publick, that the said gaols should be frequently delivered of the prisoners, not only to prevent infection therein but also that the innocent may not be long deprived of their liberty, and that the guilty may be punished to deter others from the like evil and wicked practices, which cannot effectually be done, unless special commissions of oyer and terminer and goal delivery do issue, and be from time to time continued by adjournment, as occasion may require, for the tryal of all the prisoners in the said gaols : and forasmuch as bills of indictment by the law, as it now stands, are to be found, and the persons indicted tried in the counties, where the said crimes and offences are done and committed, the end and design of such commissions cannot have the desired effect, nor be so conveniently executed for the ease and benefit of his Majesty's subjects, unless a proper place is appointed in the city of Dublin by authority of Parliament, where the commissioners appointed for the county of Dublin, as well as for the county of the city of Dublin, may at the same place and meeting execute such commissions for the tryal of all crimes and offences within their commissions arising and committed in the county of Dublin, as well as the county of the city of Dublin : and whereas that part of the King's courts, where the court of King's bench sits, and the area thereunto belonging, will be a fit and convenient place to answer the purposes aforesaid ; be it therefore enacted

acted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all that part of the King's courts in Dublin, where his Majesty's court of King's bench sits during the terms, and the chambers and area belonging to it, shall for ever hereafter be taken and deemed to be, and are hereby declared and enacted to be, both in the county of the city of Dublin, and county of Dublin, for the purposes following: (that is to say) that the commissioners appointed by virtue of any commission of oyer and terminer, or of goal delivery, under the great seal of this kingdom for the county of the city of Dublin, or for the county of Dublin, shall be and are hereby authorized and empowered to meet and sit, if the said commissioners shall think fit, during the vacations after the terms, in that part of the King's courts where his Majesty's court of King's bench sits, and there to deliver the goals of the said respective counties; and also that the commissioners and grand-juries of the said respective counties may at the said place respectively enquire of, present, hear, and determine all crimes and offences of what nature or kind soever done, perpetrated, and committed, either by principals or accessaries in the county of the city of Dublin, or county of Dublin respectively, which such respective commissioners are empowered and authorized to hear and determine by virtue of such commissions respectively, in like manner and form, and to all intents and purposes, as if such commissions had been actually executed in some place within the said county of the city of Dublin, or county of Dublin respectively; and that all precepts, rules, orders, indictments, verdicts, judgments, and awards of execution issued, made, pronounced, found, given, or awarded, and all proceedings by and before such respective commissioners during the vacations, shall be as good and valid to all intents and purposes whatsoever, as if the same were respectively issued, made, pronounced, found, given, or awarded, and the said commissions respectively executed, at some place within the said county of the city of Dublin, or county of Dublin, for which such commissions had respectively issued.

A. D. 1729. Chap. 15.  
commissioners of oyer and terminer, &c. to sit in vacation, and deliver the goals.

Commissioners and grand-juries respectively shall inquire, present, and determine all offences, as if such commissions executed in a place within the county or county of city respectively;

and all proceedings valid.

II. And to the end that such commissions may effectually be executed according to the intent of this act; be it further enacted by the authority aforesaid, That the respective sheriffs, sub-sheriffs, justices of the peace, coroners, goalers, bayliffs, and all officers of justice of the said county of the city of Dublin, and county of Dublin, and all persons of the said respective counties impannelled and returned to be and appear upon any grand

The respective sheriffs, &c. and persons summoned on juries, shall attend, as if such commissions executed in said counties respectively.

A. D. inquest or petty jury by virtue of such commissions, and all  
 1729. other persons dwelling and residing in the said county of the city  
 Chap. 15. of Dublin or county of Dublin, if thereunto duly summoned,  
 shall and are hereby required to attend the execution of such  
 commissions respectively at the place aforesaid under the like  
 pains, penalties, forfeitures, fines, and amerciaments, as if such  
 commissions were respectively executed at some place within the  
 county of the city of Dublin or county of Dublin respectively.

Newgate  
 the gaol of  
 both counties.

III. And be it further enacted by the authority aforesaid, That  
 the goal of Newgate in the county of the city of Dublin shall  
 from henceforth be deemed and taken to be a goal for the coun-  
 ty of Dublin, as well as for the county of the city of Dublin,  
 to answer the purposes aforesaid in such manner as is now prac-  
 tised by his Majesty's court of King's bench; and that upon all  
 rules, orders, or warrants of execution of any of the criminals  
 convicted and condemned to die for any crime committed in the  
 county of Dublin before such commissioners, the said commis-  
 sioners shall and may, and are hereby impowered and authorized  
 by any rule, warrant, or order, by them conceived to order and  
 direct the sheriffs of the county of the city of Dublin to be  
 aiding and assisting to the sheriff of the county of Dublin in  
 the execution of such criminals at the common place of execu-  
 tion, lying in the liberties of the city of Dublin, in like manner  
 as is now used and practised by the court of King's bench; any  
 law to the contrary notwithstanding.

Sheriffs of  
 the county of  
 the city shall  
 assist sheriffs of  
 the county in  
 execution of  
 criminals, as  
 practised by  
 B. R.

Said com-  
 missioners for  
 said counties  
 respectively  
 shall execute  
 all powers as  
 commissioners  
 of oyer, &c.  
 might before  
 this act;  
 and all pro-  
 ceedings valid  
 as aforesaid.

IV. And be it further enacted by the authority aforesaid,  
 That the said commissioners for the said counties respectively  
 shall and may have and execute all and singular the powers, au-  
 thorities, and jurisdictions, as commissioners of oyer and terminer  
 or goal delivery have, or might execute, within their respective  
 counties before the making of this act; and that all proceedings  
 before them shall be as good and valid in law to all intents and  
 purposes, as if such commissions were executed in the county of  
 the city of Dublin or county of Dublin respectively; any law  
 or usage to the contrary notwithstanding.

C H A P.



*An act for the better regulating the fees of justices of the peace, and for disabling alderman Thomas Wilkinson, and alderman Thomas Bolton from acting as justices of the peace within this kingdom.*

**W**HEREAS the fees, usually taken by several persons executing the office of justice of the peace in this kingdom, are too large; and thereby complaints are greatly multiplied by vexatious persons, in order to load and oppress the party accused with expence: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That no person acting as a justice of the peace within any county, county of a city or town, or any liberty or franchise, within this kingdom (other than the justices of his Majesty's court of King's bench) shall for or in the execution of his said office demand, have, take, or receive any other than the fees following: (that is to say) the sum of six pence for each warrant, and for every recognizance the sum of one shilling; and that no fee, recompence, or reward shall for the future be had, taken, or received by any such justice of the peace for any warrant, recognizance, mittimus, discharge, or any other act to be done by such justice of the peace in the execution of his said office, other than as aforesaid.

II. Provided always, That nothing herein contained shall be construed to enable any justice of the peace to take any fee or fees in any case of felony or treason.

III. And whereas persons pretending to be or acting as clerks under such justices of the peace frequently exact fees on pretence of their trouble in writing warrants, recognizances, mittimus's, and discharges, and upon other pretences: be it enacted by the authority aforesaid, That where any such person or clerk shall presume to take or receive any fee, recompence, or reward, for or on account of his trouble, or on any other pretence whatsoever, in respect of his acting as clerk as aforesaid, such person for every such offence shall forfeit the sum of forty shillings to the party, who shall first give information in writing of any such offence before any justice of the peace or chief magistrate of any city, town, or borough; to be recovered by civil bill in

Fees of justices of peace too large;

complaints thereby multiplied.

No justice of peace (except B. R.) shall take any fee, except 6d. for a warrant, and for recognizance 1s.

Not to take fees in felony or treason.

No justices clerk shall take any fee,

on pain of 40 s. to first informant in writing in a month, before a justice. recovered by the civil bill.

A. D. the same manner, that small debts in a summary way are recoverable, provided such information be made within a month after the offence committed.

Tho. Wil-  
kinson and  
Tho. Bolton  
guilty of op-  
pression, &c.

disabled  
from acting as  
justices of  
peace.

IV. And whereas alderman Thomas Wilkinson and alderman Thomas Bolton, two of the justices of the peace for the city of Dublin, have been guilty of several oppressions in exacting exorbitant fees in the execution of their office contrary to their duty, and the trusts reposed in them by the several charters of the said city; and the said alderman Thomas Wilkinson hath acted corruptly in receiving money for the discharge of criminals in violation of his oath, and in open contempt of the known laws of this kingdom: be it therefore enacted by the authority aforesaid, That they the said Thomas Wilkinson and Thomas Bolton be for ever hereafter disabled and rendered incapable of acting as justices of the peace in or for the said city of Dublin or elsewhere within this kingdom; any thing in the charters of the said city of Dublin, or any of them, to the contrary in any wise notwithstanding.

This act  
read yearly at  
sessions by the  
clerk,

penalty 40s.  
by civil bill,

V. And be it further enacted by the authority aforesaid, That this act be read yearly in open court at every general Easter quarter-sessions by the clerk of the peace or his deputy; and in case such clerk or deputy shall neglect to read the same at such quarter-sessions, he shall forfeit for such offence the sum of forty shillings, to be recovered by civil bill by any person who shall first sue for the same at the next assizes to be held for the county, where such quarter-sessions are held.

#### C H A P. XVII.

*An Act for the better enabling the governors of the work-house of the city of Dublin to provide for and employ the poor therein, and for the more effectual punishment of vagabonds; and also for the better securing of and providing for lunatics and foundling children.*

19 G. 2. 21.

1 G. 2. 27.  
insufficient, as  
to collecting  
funds for  
work-house,  
and commit-  
ment of va-  
gabonds.

WHEREAS the act made in this kingdom the last session of Parliament, intituled, *An act for the better regulating the work-house of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent mischiefs which may happen by keeping gunpowder within the said city*, hath in many cases been found insufficient, not only in the methods thereby directed for collecting the several funds made payable to the work-house for the several uses in the said act prescribed, but also for the commitment and punishment of vagabonds and sturdy beggars: for remedy whereof be it enacted by the King's most excellent

cellent Majesty, by and with the advice and consent of the lords A. D. spiritual and temporal and commons in this present Parliament 1729. assembled, and by the authority of the same, That the church-Chap. 17. wardens of the severall and respective parishes, impowered by the said recited act to levy the duties upon houses within the severall parishes of the city of Dublin, and within the liberties of Saint Sepulchre's, Thomas-court, and Donore, thereto adjoyning, and within the liberties Christ-church and Saint Patrick's, shall after the twenty fifth day of March one thousand seven hundred and thirty at the end of every six months at farthest collect the said duty upon houses, and lay before the governors of the work-house of the city of Dublin an account of the produce of the said respective sums of money charged as aforesaid and by them received, and, if thereunto required by the said governors, render the said account upon oath, and pay the same into the hands of the receiver of the said work-house appointed by the governors thereof; whose receipt or acquittance for so much, as is received, shall be a sufficient discharge to the said church-wardens.

Church-wardens there- by impowered to levy duties on houses in Dublin and li- berties shall at end of 6 months collect and account before gover- nors of work- house,

5 G. 2. 14.

on oath, if required, and pay to receiver ap- pointed.

II. And be it further enacted by the authority aforesaid, That in case such church-warden or church-wardens shall for- swear himself or themselves in giving in such account, and be thereof lawfully convicted, he or they shall incur the same pe- nalties as a person convicted of perjury at common law; and in case such church-warden or church-wardens shall refuse or neglect to collect, account for, or pay the said duty upon hou- ses every six months without some lawful cause, to be approved of by the said governors of the work-house, such church-war- den or church-wardens shall forfeit the sum of fifty pounds for every such default; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in Dub- lin, and to be applied to the use of the said work-house.

Incur penal- ties for perju- ry at common law:

Penalty for refusal or ne- glect 50 l.

5 G. 2. 14. further infor- ced.

to the work- house.

III. And whereas the provisions made by the before recited act for valuing the houses, which now are or hereafter shall be built in places *extra parochial*, and collecting the duties arising thereout, have proved ineffectual: be it enacted by the authority aforesaid, That such valuation shall be made and ascertained by four of the inhabitants of such places *extra parochial*, to be named and appointed for that purpose by the minister and church- wardens of such parish contiguous or adjoyning to such *extra parochial* place, as the court of assistants of the governors of the work-house for the time being shall think fit to nominate or ap- point; which valuation, when made by the said four persons, shall be returned by them to the said court of assistants with an affidavit

Valuation of houses *ex- tra parochial* shall be made by 4 inhabi- tants, named by such mi- nister and church-ward- ens contiguous, as court of assistants ap- point,

19 G. 2. 21. if not in 1 month, by 15 governors. returned to said court, with affidavit

A. D. 1729. affidavit thereto annexed, to be by them made before one of his Majesty's justices of the peace of the county of the city of Dublin, or county of Dublin, where such *extra parochial* houses lye ; (which oath such justice of the peace is hereby required to administer) purporting that such valuation was made by them according to the best of their skill and knowledge, and without partiality or favour to any person or persons concerned or interested in such valuation ; which said sum of three pence in the pound, so charged on all such houses *extra parochial*, shall be collected by the church-wardens of such adjoining parish, the minister and church-wardens whereof were by the said court of assistants appointed to name the persons to make the aforesaid valuation in the same manner, and to be accounted for and paid to the said governors of the said work-house by the said church-wardens, under the same penalties, and subject to the like forfeitures, as the church-wardens of any other parishes are subject and lyable to by this or the said former act.

3 d. per l.  
charged on  
such houses,  
collected by  
such church-  
wardens, and  
accounted for  
as by those of  
other parishes.

Vagabonds  
apprehended  
pursuant to  
1 G. 2. 27.  
Sec. 30. have  
escaped be-  
fore a war-  
rant from 5  
assistants could  
be obtained.

In Dublin,  
etc. every  
beadle, bell-  
hour, etc. or  
any inhabitant  
calling their  
assistance may  
apprehend va-  
gabonds and  
beggars,  
19 G. 2. 21.  
23 G. 2. 11.

IV. And whereas in and by the said before recited act it is enacted, " That the said assistants, or any five or more of them, " should constitute and depute such and so many persons as they " should judge necessary, who should have full power and authori- " ty to seize and apprehend, and bring before the said assistants, " or any five or more of them, any sturdy beggar or beggars, or " other idle vagabond or vagabonds, that such person or persons " so deputed should know, find, or be informed of, to be begging, " strolling, or frequenting any of the streets or houses within the " said city or suburbs of Dublin, or the liberties thereunto ad- " joining ; and the said assistants, or any five or more of them, " were thereby empowered by warrant under their hands and seals " to commit the said persons, who should from time to time be " so apprehended, and brought before them, to the said work- " house, there to be confined and kept to hard labour, if they " thought fit, until the next general court of assembly, where " such sturdy beggar or beggars, idle vagabond or vagabonds, " should be brought and examined by the said governors : " and whereas it hath been found by experience, that several sturdy beggars and vagabonds have been apprehended, and before a warrant could be obtained from five or more of the said assistants for the commitment of such persons to the said work-house, they have escaped the punishment by the said act intended to be inflicted on them : for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and thirty each and every beadle or bell-hour of each and every parish within the said

saïd city or suburbs of Dublin, or the liberties thereto adjoyning, and each and every constable within their respective districts or jurisdictions, and each and every parishioner or inhabitant in any of the parishes aforesaid, calling to his or her assistance the beadle of the parish or a constable, shall have full power and authority to seize and apprehend, and bring before any one member of the court of assistants appointed by the saïd recited act any sturdy beggar or beggars, or other idle vagabond or vagabonds, that such beadle or bell-hour, constable, parishioner, or inhabitants, shall know, find, or be informed of, to be begging, strolling, or frequenting any of the streets or houses within the saïd city or suburbs of Dublin or the liberties thereunto adjoyning; and the saïd member of the court of assistants is hereby impowered by warrant under his hand and seal to commit the saïd persons, who shall from time to time be so apprehended and brought before him, to the saïd work-house, there to be confined and kept to hard labour, if he thinks fit, until the next general court of assembly, where such sturdy beggar or beggars, idle vagabond or vagabonds, shall be brought and examined by the saïd governors and court of assistants; and if the saïd governors, not being less than fifteen in number, shall see sufficient cause, they shall and may confine such sturdy beggar or beggars, idle vagabond or vagabonds, in the saïd work-house for any term not longer than four years, there to be kept to hard labour, or otherwise employed, as they shall see cause; and if any beadle, bell-hour, or constable shall, when called, neglect or refuse to seize, and apprehend, and bring before any one of the members of the saïd court of assistants any sturdy beggar or beggars, or other idle vagabond or vagabonds, that shall be found begging or strolling in any of the streets or houses within the saïd city or suburbs of Dublin or the liberties thereunto adjoyning, that then such beadle, bell-hour, or constable, so neglecting or refusing when called upon as aforesaid, shall for every such offence forfeit and pay to the governors of the saïd work-house for the use of the saïd house the full sum of twenty shillings, to be recovered in case of nonpayment by distress and sale of the goods and chattels of such offender or offenders by warrant under the hands of the saïd assistants present at any such general court of assembly, or any five or more of them; which warrant they, or any five or more of them, on complaint and proof made of such neglect or refusal are hereby required and impowered to grant.

A. D.

1729.

Chap. 17.

and bring before 1 of the assistants,

who may commit them to work-house, if he thinks fit, till next general assembly,

examined there,

and confined, &c. if 15 governors see cause, 4 years. 5 G. 2. 14. may be committed to bridge-wel.

Penalty on beadle, &c. for neglect, when called upon, 20 s. to the work-house:

levied by warrant of 5 assistants.

1 G. 2. 27.

Sec. 26.

Foundlings received and kept in work-house till 21.

5 G. 2. 14.

VI. And whereas in and by the saïd recited act it is enacted, "That all and every poor child or children found or taken up within the city or liberties, which should be left to be maintained

A. D. 1729. Chap. 17. *tained by any parish or parishes in the said city or liberties a-  
fore said, who were unable to support themselves, should from  
and after the age of six years be admitted and received into  
the said work-house, and there be taught to read and write, and  
thoroughly instructed in the principles of the protestant religi-  
on of the church of Ireland as by law established, and as the  
male children should be severally fit and capable, such male  
children should be taught and instructed in such trades or call-  
ings, as the said governors, fifteen at least being present, should  
direct and appoint, and should be severally employed in such  
trades and callings within the said house, until they should re-  
spectively attain the age of twenty one years, at which age they  
should be severally discharged from their service, and receive a  
certificate under the common seal of the said corporation, no-  
tifying his or their having been brought up and educated in  
the said house, and of his or their having been instructed in  
such trade or profession as he and they had been taught ;” and  
whereas the poor male-children, which are and may be received  
into the said work-house, and continued therein, according to the  
direction of the said recited act, until they shall severally attain  
the age of twenty one years, may become so numerous, that the  
funds by the said act appropriated for the maintenance of the  
said work-house, may fall short of answering that and the many  
other purposes thereby intended : for remedy whereof be it en-  
acted by the authority aforesaid, That the said governors of the  
work-house fifteen at least being present, or the said court of  
assistants, or any five or more of them, shall and may place out  
apprentices such and so many of the male children admitted into  
the said house to such art, trade, or calling, or to the sea-service,  
or to gentlemen or house-keepers, who shall think fit to take the  
same for servants, for any term or time not exceeding seven  
years, as the said governors of the work-house, fifteen at least  
being present, or the said court of assistants, or any five or more  
of them, shall judge necessary and expedient.*

15 gover-  
nors or 5 as-  
sistants may  
place out the  
male children  
apprentices,  
or to the sea,  
or for servants  
7 years.

By 1 G. 2.  
27. Sec. 26.  
Foundlings  
maintained  
till 6 by the  
parish,

by a cess on  
houses, which  
frequently a-  
mounts to  
more than  
what paid to  
the work-  
house.

VI, And whereas by the said act, the exposed and foundling children in the city of Dublin are to be maintained by the respective parishes, in which they shall be found, till they arrive at the age of six years, at which age they are to be received into the work-house of the said city : and whereas the minister, church-wardens, and parishioners of the several parishes of the said city and liberties adjoining are obliged every year to make and settle a parish-cess for so much money, as they shall judge necessary, for relieving and maintaining the said foundlings, to be equally apportioned on the several houses in proportion to the mi-  
nisters-



hister's money; which cefs in many parishes amounts to more money, than what the said parishes pay to the said work-house: and whereas, to avoid the said expence, it is notorious, that a wicked and detestable practice hath been carried on in some parishes, if not throughout the whole city, of lifting or running from one parish to another the said foundlings, to the utter ruin and destruction of them: for remedy of which abuse, and for the preserving the lives of the said children, be it enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year one thousand seven hundred and thirty the governors of the said work-house shall receive from the church-wardens of the respective parishes of the said city and liberties adjoining all the exposed and foundling children, that shall then be in the said city and liberties thereunto adjoining under the age of six years, and from thenceforward the said governors shall also receive from the several church-wardens of the said parishes every child, that shall be hereafter exposed and found in the streets of the said city and liberties adjoining.

A. D. 1729.  
Chap. 17.  
To prevent the wicked practice of running foundlings from one parish to another, and preserve their lives.  
The governors shall receive from church-wardens foundlings under 6, and every child hereafter exposed:

VII. And in order that the said governors may be enabled to relieve and maintain the said children, till they shall arrive to the age of six years; at which age they are by virtue of the said act to be received into the said work-house; be it enacted by the authority aforesaid, That all and every house and houses in the said city and liberties adjoining, already charged or to be charged by the said act with the sum of three pence in the pound for every pound of the yearly value of every such house or houses, as the valuations are returned for the collection of minister's money in the city and liberties aforesaid, and where such houses are not valued to the minister, according as they are or are to be valued, after the manner appointed by the said act, be from and after the twenty fifth day of March, which shall be in the year one thousand seven hundred and thirty, charged with an additional sum of three pence in the pound according to the said proportion, to be paid to the governors of the said work-house, and to be collected, accounted for, and paid by the church-wardens of the said respective parishes, after the same manner; and under the same and the like forfeitures and penalties, as the former sum of three pence in the pound is appointed to be collected by this and the former act; which said additional three pence shall be levied, collected, and raised for the uses aforesaid for the term and space of two years, and from thence to the end of the then next session of Parliament, and no longer; and that during the said term no money shall be levied by vestry for the maintenance of foundlings in the said city of Dublin and liberties adjoining; any law, usage, or custom to the contrary notwithstanding.

for their maintenance till 6, an additional charge of 3 d. per l. on houses, as valued in, and collected as by, the said act; 19 G. 2. 21. exceeding on other funds applied.  
to continue 2 years, &c. 5 G. 2. 14. continued for like term as the former 3 d. 19 G. 2. 21. continued 21 years. &c. during which no money at vestry for their maintenance;

**A. D. VIII.** And be it further enacted by the authority aforesaid, That  
 1729. the said additional sum of three pence in the pound shall be ap-  
 Chap. 17. plied towards the maintaining of and providing for foundling  
 children within the said city and liberties under the age of six  
 years, and to no other use, intent, or purpose whatsoever; and  
 that the said governors of the said work-house shall in a book  
 for that purpose enter and keep a separate and distinct account of  
 all such sum and sums of money, as shall from time to time be  
 raised and levied on account of the said additional three pence by  
 virtue of this act, and likewise an account in what manner and  
 to what uses the money so levied has been expended or applied.

applied to no  
 other use:  
 the gover-  
 nors shall keep  
 a separate ac-  
 count thereof.

**IX.** And whereas by the before recited act it is also enacted,  
 “ That the said governors, fifteen at least being present, should  
 “ have power and authority under their common seal from and  
 “ after the first day of May one thousand seven hundred and  
 “ twenty eight to licence all such persons, as should keep, drive,  
 “ or carry any hackney coach or coaches, chairs or sedans, and  
 “ all carts or cars plying for hire, and all brewers drays or cars  
 “ within the said city or liberties thereunto adjoining; and that  
 “ no person or persons, to whom such licence for keeping chairs  
 “ should be granted as aforesaid, should in his own name, or in  
 “ the name of any other person for his, or her, or their use, or  
 “ in trust for him, her, or them, have at any one time more than  
 “ two such licensed chairs;” notwithstanding which the intent of  
 the said clause hath been evaded, and several persons by assign-  
 ment or other collusive means have possessed themselves of more  
 than two chairs or sedans contrary to the intent of the said act:  
 for remedy whereof be it enacted by the authority aforesaid, That  
 from and after the twenty fifth day of March one thousand seven  
 hundred and thirty no person or persons, who now is or hereafter  
 may be possessed of a licence for keeping a chair or sedan for hire,  
 shall transfer or assign the same to any other person or persons  
 without the licence and consent of the said court of assistants, or  
 any five or more of them, signified in writing under their hands  
 and seals for that purpose; and if any person or persons, possessed  
 of a licence for keeping a chair or sedan for hire, do or shall  
 transfer or assign the same to any other person or persons without  
 the consent of the said court of assistants, or any five or more of  
 them, signified as aforesaid, every such sale and assignment, made  
 contrary to the intent hereof, shall be null and void, and the  
 licence or licences thereby assigned shall be forfeited to the said  
 governors of the said work-house for the use of the said work-  
 house.

1 G. 2. 27.  
 Sec. 11. & 14.  
 evaded by af-  
 signment of li-  
 cences.

Licences  
 for chairs for  
 hire shall not  
 be assigned  
 without con-  
 sent of 5 as-  
 sistants in wi-  
 ting,

on pain of  
 forfeiture to  
 the governors.

**X.** And whereas several persons have obtained licences for  
 keeping hackney coaches for hire in and about the city of Dublin,  
 and



and the liberties thereto adjoining, and have not put up coaches conformable thereto; whereby the publick is not only deprived of their use and conveniency, but also the said work-house of the yearly rents payable for such hackney coaches: for remedy whereof be it enacted by the authority aforesaid, That if any person, who hath obtained a licence for keeping a hackney coach for hire, do not or shall not on or before the twenty fifth day of June one thousand seven hundred and thirty keep and maintain a hackney coach for every such licence obtained for the use and conveniency of the publick, that then each and every person, who shall neglect or refuse so to do, without giving reasons for such neglect or refusal to the said court of assistants, or any five or more of them, to be approved of by them, shall forfeit and pay to the said governors and their successors for the use of the said work-house the just and full sum of five pounds, to be recovered by the said governors in such and the same manner as the several other penalties and forfeitures, in the said recited act mentioned against the drivers or keepers of coaches without licence, are to be recovered.

A. D. 1729.  
Chap. 17.  
Not keeping a coach after licence, without giving reasons approved by 5 assistants,

Penalty 5 l. to the governors,  
recovered as penalties for driving without licence.

XI. And whereas in and by the before recited act, it is enacted, " That no coachman licensed, nor driver of such coach, shall presume to take for his hire in and about the city of Dublin above the rate of thirteen pence for the first hour, and six pence halfpenny for every hour after, and six pence halfpenny for setting down any person or persons in any place of the said city or liberties aforesaid as far as the publick lights are erected:" and whereas many persons at night have frequently occasion for coaches to carry them to their respective habitations, and, when coaches have been called and kept waiting, the drivers thereof have insisted on a greater sum for hire, than by the said act is prescribed, and sometimes do refuse to bring out their coaches, alledging their hire is not sufficient to recompense them for bringing out their horses and keeping them waiting at such unseasonable times, by means whereof disputes frequently happen, and the persons wanting a coach are disappointed of such a conveniency, when they stand in most need thereof: for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and thirty each and every hackney coachman licensed, or the driver of each and every such hackney coach, who shall be sent for and kept in waiting by any person or persons after the hour of ten a clock in the evening, shall have, receive, and be paid for the setting down of any person or persons in any place of the said city of Dublin, or the liberties aforesaid, as far as the publick lights are erected, the sum of nine pence; and for waiting after the said hour of ten a clock in the evening the sum of fifteen pence for the

Instead of sums paid for coach-hire by 1 G. 2. 27. Sec. 13.

for setting down after 10 in the evening, 9 d.

for waiting after 10, 15 d. first hour, 9 d. after.

A. D. the first hour, and the sum of nine pence for every hour after;  
 1729. instead of the hire or wages in and by the said recited act pre-  
 Chap. 17. scribed; any thing therein contained to the contrary notwithstanding.

XII. And whereas it very much tends to the ease and security of the inhabitants of the city of Dublin and liberties thereof, that the several persons, usually plying as porters for hire in and about the said city and liberties, may be found out and discovered, in case they shall not perform faithfully their duty to their employer: be it enacted by the authority aforesaid, That from and after the twenty fifth day of April one thousand seven hundred and thirty each and every person, who plies for hire as a messenger or porter within the said city and liberties, shall be and is hereby required to enter his name in a book to be kept by the clerk or officer of the said governors, who shall be appointed for that purpose, and shall also give such security to the said governors for his faithful and honest behaviour, as the said governors shall approve of; and when they shall have so registred their names, and given such security, that then the said governors, or the person or persons by them appointed, shall deliver to the said porter or porters a badge or ticket, to be constantly worn on their outward garment in publick view by such porter and porters, to denote his and their being registred as aforesaid; on which said badge or ticket there shall be such marks and inscriptions, as the said governors shall think proper; for each of which said badges or tickets, that shall be worn by such porter or porters, there shall be paid the sum of six pence, and no more; and if any person or persons shall ply for hire as a porter without being registred and badged as aforesaid, that on complaint thereof made to the said governors, they the said governors, or any five or more of them, shall, if they find sufficient cause, commit such person or persons so offending to the house of correction, there to be confined for any term not exceeding ten days, and have such correction given to him and them, as the said governors, or any five or more of them, shall think proper.

Porters for hire shall enter their names with the governor's clerk,

security for behaviour,

and wear a badge on outward garment,

6d. paid for each badge.

Porters plying without badges, committed to house of correction, not above 10 days.

C H A P.

*An act for repairing the road leading from the city of Dublin to Kilcullen-Bridge, in the county of Kildare.*

**W**HEREAS the highway or road leading from the city of Dublin through Kilmainham and Rathcool to the town of Naas, and from thence to Kilcullen-Bridge in the county of Kildare, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in the winter season many parts thereof are impassable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually amended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highway or road it shall be in the power of the lord archbishop of Dublin for the time being, the right honourable Robert earl of Kildare, the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable Algernoon earl of Mountrath, the right honourable Richard earl of Rois, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the lord bishop of Kildare for the time being, the right honourable William lord baron of Howth, the right honourable Henry lord baron of Santry, the right honourable Mar-  
maduke Coghill esquire, the right honourable James Tynte esquire, the honourable Edward Brabazon esquire, the honourable William Ponsonby esquire, the honourable Richard Allen esquire, the honourable Byffe Moleworth esquire, the honourable Thomas Medlycott esquire, Sir Compton Domville baronet, Sir Walter Burrows baronet, Maurice Keating esquire, Richard Warburton esquire, Thomas Carter esquire, William Conolly esquire, Agmondisham Vesey, Luke Gardner, Thomas Burgh, Samuel Burton, James Coghill, Anthony Sheppard junior, John Bourk, Edward Bolton, Robert Burton, Richard Weisley, Edward Stratford, Thomas Burgh junior, Charles Hamilton, Richard Warren,

Said road not to be repaired by the ordinary course.

For repairing said road trustees appointed,

23 G. 2. 16. may sue and be sued by name of trustees, &c. as if incorporated.

and must have 50 l. per ann. freehold, or 1000 l. personal.

A. D. John Graydon, Abraham Creighton, Robert Dixon, Warden  
 1729. Flood, David Chaigneau, Edward Pearce, Marcus Anthony Mor-  
 Chap. 18. gan, Nicholas Aylward, John Stratford, Thomas Tilson, Boleyn  
 Whitney, Thomas Tickell, Joseph Leeson junior, John Digby,  
 Clement Barry, Bruno Brown, William Todd, Thomas Keating,  
 William Bourgh, Richard Keating, Robert Harman, Lawrence  
 Steel senior, John Warburton, Richard Whitshed, Phineas Bowles,  
 John Folliot, Murragh Graydon, Chettwood Eustace, Richard  
 Nevill of Fornace, George Warren, Francis Annesly, Charles  
 Aylmer, Lawrence Steele junior, James Medicott, Alexander  
 Burrows, Theobald Bourk, John Faulkner, Lewis Jones, Alex-  
 ander Graydon, James Eustace of Yeomanstown, Robert Dillon  
 of Clonbrock, Richard Nuttall and Ross Fox esquires, Patrick  
 Lattin, John Bates, George Graydon, Philip Denn, William  
 Carbery, John Ottwell, Daniel Carthy, Robert Cairnes, Josiah  
 Jackson, and Ottwell postmaster, gentlemen, who are  
 hereby nominated and appointed trustees of the said roads, and  
 the survivors of them, that they, or any five or more of them,  
 or such person or persons as they, or any five or more of them,  
 shall authorize and appoint, shall and may erect, or cause to be  
 erected, one or more gate or gates, turnpike or turnpikes, in,  
 upon, or cross any part or parts of the said highways or roads ;  
 and also a toll-house or toll-houses, and there shall receive and  
 take the tolls and duties following before any horse, mare, or  
 gelding, cattle, coach, berlin, chariot, calash, chaise, chair,  
 waggon, wain, cart, carr, or other carriage, shall be permitted  
 to pass through the same : viz. for every coach, berlin, chariot,  
 calash, chaise, or chair, drawn by six horses or more, the sum of  
 one shilling ; and for every coach, berlin, chariot, calash, chaise,  
 or chair, drawn by any less number of horses than six, and more  
 than one, the sum of six pence ; for every waggon, wain, cart,  
 or carriage with four wheels, the sum of six pence ; for every  
 wain, cart, or carriage with two wheels, having more than one  
 horse, mare, or gelding, the sum of two pence ; for every carr or  
 other carriage having but one horse, mare, or gelding, the sum of  
 one penny ; for every horse, mare, gelding, mule, or ass, laden or  
 unladen, and not drawing, a halfpenny ; for every drove of oxen,  
 or neat cattle, the sum of ten pence *per* score, and so in propor-  
 tion for any greater or lesser number ; for every drove of calves,  
 hogs, sheep, or lambs, the sum of five pence *per* score, and so in  
 proportion for any greater or lesser number ; which said respective  
 sum and sums of money shall be demanded and taken in the name  
 of or as a toll or duty, and the money so to be raised as aforesaid  
 is and shall hereby be vested in the said trustees, and the same and  
 every

any 5 may  
 cause turn-  
 pike gates and  
 houses to be  
 erected on any  
 part,

and take toll,

1 s. for a  
 coach, &c.  
 drawn by 6  
 horses :

more than  
 six, 6 d.  
 4 wheeled  
 waggons, &c.  
 6 d.

2 wheeled,  
 and more than  
 1 horse, 2 d.  
 drawn by 1  
 horse, 1 d.

a horse not  
 drawing,  
 1 halfpenny.

Oxen, &c.  
 10 d. *per* score.  
 Calves, &c.

5 d.  
 7 G. 2. 16.  
 said toll alter-  
 ed.

every part thereof shall be paid, applied, disposed of, and assigned A. D. to and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed; and the said trustees, or any five or more of them, are hereby empowered by themselves, or any person or persons by them, or any five or more of them, under their hands and seals thereunto authorized, to levy the toll or duty hereby required to be paid upon any person or persons, who shall, after demand made thereof, neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods and chattles of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall and may be lawful to and for such person or persons so distraining, after the space of five days after such distress made and taken, to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof, after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

1729.  
Chap. 18.  
Trustees,  
&c. may levy,  
on refusal, by  
distress, and  
sell after 5  
days.

II. And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising and the toll to be collected at any turnpike or turnpikes, to be erected and set up on the said road leading from the city of Dublin to Kilcullen-Bridge in the county of Kildare, shall be applied for and towards the repair of the said roads only, and not elsewhere.

Trustees  
first shall pay  
charges,  
and then to  
repair of the  
road.

III. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act shall for gain, reward, or otherwise wittingly or willingly permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach, berlin, chariot, calash, chaise, or chair, waggon, wain, cart, carr, carriage, or riding or driving any horse, ass, or mule, or any sort of cattle, and be thereof convicted upon oath before the said trustees, or any five or more of them, or before one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, shall forfeit and pay to the trustees authorized to put this act in execution,

Owners of  
land adjoining,  
permitting  
passage,

A. D. 1729. Chap. 18. tion the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal, or under the hands and seals, of the said trustees, or any five or more of them, or such justice or justices, rendering the overplus to the owner (if any be) the charges in taking and disposing of the said goods being first deducted.

Penalty 10 s.  
to the trustees.

Gates, &c.  
may be erected  
across any  
way leading  
out of the  
road, and toll  
collected,

so as no  
double charge.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the side of the said highways or roads across any lane or way leading out of the said road, and toll-house or toll-houses, and there to receive and take such toll as is appointed by this act to be taken, so as the same do not extend to a double charge, in case of passing through any other of the turnpikes to be erected by virtue of this act between the said city of Dublin and Kilcullen-Bridge aforesaid.

5 trustees  
at meeting  
may appoint  
collectors, and  
surveyors,  
from time to  
time,

and remove  
them.

V. And be it enacted by the authority aforesaid, That the said trustees, or any five or more of them, at their first meeting, or any succeeding meeting, by writing under their hands and seals shall and may elect, nominate, and appoint one or more fit person or persons to be receiver or receivers, collector or collectors, of such money, in the name of such toll or duty as shall be due and payable by virtue of this act; and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highway or road, and to see that the same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied, and from time to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rates aforesaid to the said receiver or receivers, collector or collectors, of the said toll and duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor or surveyors as aforesaid, shall upon oath, if thereto required by the trustees, or any five or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid (which oath such trustees, or any three or more of them, or such justice and justices, is and are hereby impowered and required to administer) on the first Tuesday in every month, or oftner, if required, during the continuance of this act give in a true, exact, and perfect account in writing under their respective hands of all moneys, which he and they, and every or any of them,

said toll accounted for  
on oath if required,  
first tuesday every  
month, or oftner,

them, shall to such time have received, paid, and disbursed by A. D. virtue of this act by reason of their respective offices, for which 1729. oath no fee or reward shall be taken; and in case any money so Chap. 18. received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any five or more of them, or to such person or persons as the said trustees, or any five or more of them, (as they are qualified to act) shall by any writing or writings under their hands and seals authorize and impower to receive the same; which shall be disbursed and laid out in amending the said highways or roads, according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any five or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty make such allowance unto the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons, who have been or shall be assisting in or about procuring the said highways and roads to be amended and repaired by advancing and laying out any moneys, or otherwise relating thereunto, as to them shall seem good; and in case the said receiver or receivers, collector or collectors, of the aforesaid toll or duty, or any of them, shall not make such account and payment unto such person and persons according to the orders and directions of the said trustees, or any five or more of them as aforesaid, that then the said justices of the peace at any special sessions or meeting of them, to be holden for the county in which the said receiver or receivers, collector or collectors, have acted or been employed, and made such default as aforesaid, shall make inquiry of and concerning such default as well by confession of the said parties themselves, as by the testimony of one or more credible witness or witnesses upon oath, which oath they are hereby impowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof by such justices, the said justices shall upon such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid.

and laid out  
in amending  
the road.

Allowance  
to collectors,  
surveyors, &c.

on default of  
such account  
and payment,  
justices at any  
special sessions  
shall inquire,  
and commit  
offenders.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor and surveyors, and such person or persons as he or they shall appoint, to dig, raise, gather, take, and carry away any gravel, furze, sand, stones, or other materials out of any waste or common, of any parish, town, village, or hamlet, in or near which any foundrous or ruinous places of the said highways or roads do

Surveyors  
may dig for  
materials in  
any neigh-  
bouring com-  
mon without  
paying.

A. D. Iye, and for want of sufficient gravel, furze, sand, stones, or  
 1729. other materials there, to dig, gather, raise, take, and carry away  
 Chap. 18. the same out of the waste or common of any neighbouring pa-  
 ~~~~~ rish, town, village, or hamlet, without paying any thing for the

or for want  
 thereof may  
 by order of  
 5 trustees dig  
 in any per-  
 son's grounds  
 (except gar-  
 den, orchard,  
 meadow, &c.)  
 paying such  
 rate as tru-  
 stees, &c.

11 G. 2. 17.  
 may dig in  
 ground used  
 for potatoe gar-  
 den.

Difference  
 between the  
 owner and  
 trustees ad-  
 judged at af-  
 fizes or ses-  
 sions.

same; and, where there is not sufficient of such materials in any  
 commons or waste grounds near adjoining, it shall and may be law-  
 ful for them by order of the said trustees, or any five or more of  
 them, to dig, raise, and gather the same, in the several grounds  
 of any person or persons not being a garden, orchard, yard, or  
 meadow, planted-walk or walks, or avenue to a house, where  
 any such materials are or may be found, and from time to time to  
 carry away such and so much thereof as the said surveyor or sur-  
 veyors in their respective places shall adjudge necessary for the  
 repairing and amending the said highways or roads, paying  
 such rate for such materials to the owner or occupier of the  
 ground, from whence the same shall be digged, raised, gathered,  
 and carried away, as the trustees appointed or to be appointed to  
 put this act in execution shall adjudge reasonable; and, in case of  
 any difference between such owner or occupier and the said  
 trustees touching the damage aforesaid, the judges of assize, or  
 the justices of the peace at the next general assizes and ge-  
 neral goal delivery, or quarter-sessions, to be holden in the  
 county where such materials shall be digged, raised, or ga-  
 thered, and from whence the same shall be carried away,  
 may and shall adjudge, assess, and finally determine the  
 same.

Surveyors,  
 &c. may re-  
 move annoy-  
 ances, cleanse  
 ditches ad-  
 joining, cut  
 down or lop  
 trees, (on neg-  
 lect of ow-  
 ners or occu-  
 piers 10 days  
 after notice in  
 writing by 5  
 trustees.)

23 G. 2. 16.

charges re-  
 imburfed by  
 said occupi-  
 ers.

VII. And be it further enacted by the authority aforesaid,  
 That it shall and may be lawful to and for the surveyor or  
 surveyors, and such person and persons as he or they shall  
 appoint, from time to time to remove and prevent annoyances  
 on any part of the said highways or roads hereby intended  
 to be repaired, by filth, dung, ashes, rubbish, water-courses,  
 sinks, or drains, running into the said highways or roads, and  
 to cleanse any ditch or water-course adjoining to the said roads,  
 or by cutting down, lopping or topping any trees or bushes  
 growing in the said highways, or in the hedges or banks  
 adjacent to the said highways, and to take and carry away  
 the same (the owners or occupiers neglecting to cut down  
 such trees or bushes, or to remove such other annoyances, for  
 the space of ten days after notice in writing given for that  
 purpose under the hands of five of the said trustees) the  
 charges whereof shall be reimbursed the said surveyor or sur-  
 veyors by such owner or occupiers neglecting to cut down  
 the said trees or bushes, or to remove such other annoyances as  
 aforesaid; and if after removal of any such annoyances any  
 person



person or persons shall again offend in like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees, where such offence shall be committed, the sum of ten shillings, to be levied in manner aforesaid.

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Offenders after removal shall on conviction before a justice pay 10 s. to trustees.

VIII. And be it further enacted by the authority aforesaid, That it shall and be lawful to and for the said surveyor or surveyors by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains, through any grounds lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the said narrow parts of the said highways or roads, by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping of the said highways or roads in good repair, making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices of the peace, or the major part of them at the next general assizes or quarter-sessions to be holden for the county in which such ground shall be laid into the said highways or roads, and through which any such drain or drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-courses, ditch or ditches, adjoining to the said highways or roads, shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor and surveyors to set any man or men to work to scour or cleanse and make the same, and by warrant from any five or more

Surveyors by order of 5 trustees may make causeways, and cut drains through grounds contiguous, and erect arches, and widen roads, by taking in grounds not being a house, garden, &c. and make trenches;

making reasonable satisfaction,

assessed at assizes or sessions on any difference.

Owner of water-courses or ditches not cleansing them, on 10 days notice, surveyor may do it,

and by warrant of five trustees levy the charge.

more

A. D. 1729. Chap. 18. more of the said trustees to levy the charge thereof upon the persons goods or estates of the owner or owners, occupier or occupiers, of such water-course, ditch or ditches; by distress and sale of his, her, or their goods and chattles, rendring the overplus (if any be) to the said owner or occupier after all charges paid.

Nine trustees may assign the toll as security for money borrowed to repair.

IX. And forasmuch as the money, so to be collected by such receipt of the toll, will not at present be sufficient for the speedy repairing of the said highways or roads: be it further enacted by the authority aforesaid, That the said trustees; or any nine or more of them, shall and may and are hereby impowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof, the costs and charges whereof to be born and paid out of such toll or duty, for any time or term during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons, or their trustees, who shall advance and lend the same, to secure the re-payment thereof with lawful interest, or less, if the same can be so had; which said money borrowed shall be applied and disposed of, as the said toll or duty is by this act to be applied and disposed of, and to no other use or purpose whatsoever.

Persons delivering a ticket of payment at the first gate not liable to pay at another the same day:

X. Provided always, That in case there shall be more than one gate or turnpike in, cross, or on the side of the said highways or roads between the said city of Dublin and the said town of Kilcullen-bridge, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*, shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said high-way or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons, having occasion to pass the place or places where the toll or duty is taken, who shall return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash, waggon, cart, car, or other carriage, shall be lyable or compellable the same day to pay the said toll or duty more than once on the said road.

nor on returning the same day with same horse or carriage.

XI. And

XI. And for preventing frauds and abuses in the said toll A. D. or duty; be it enacted by the authority aforesaid, That if any person or persons, having paid the toll or duty by this act 1727. granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give or dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving, such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county, wherein such offence or offences shall be committed, shall respectively forfeit and pay the sum of ten shillings, to be levied, recovered, and disposed of as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act. Chap. 18. Penalty 10 s. on both giver and receiver of a ticket to avoid toll.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horseback shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Dublin and Kildare, or citizens for the said city of Dublin, or for any burghs to serve in Parliament for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding. No toll paid on days of election of members of Parliament for the counties of, or any borough in, Dublin or Kildare.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are hereby empowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through the turnpike or turnpikes, to be erected, with any milch cows, horse, mare, or gelding, ass or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, carr, or other carriage, for any sum or sums of money to be paid quarterly from time to time after such agreement shall be made. 5 trustees may compound, 23 G. 2. 16. payable quarterly.

XIV. Provided also, and it is hereby declared that no person shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lye, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty, or any carts, carrs, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry, in order to the using or repairing of the same. Exempt from toll. Persons carrying materials for repairing said roads, or roads in neighbouring parishes, or corn in straw only, or implements of husbandry used in the parishes.

A. D. 1729. Chap. 18. ing of the same in the several parishes in which the said highways or roads hereby intended to be repaired do lye; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, afs, or mule, or other cattle going to water, or for any post-horse carrying the mail or packet, or of such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart or carriage, provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, cars, or other carriages attending them; or for horses, waggons, carts, cars, or other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another.

in which said roads lye, or cattle to water; Post-horse with the mail, or the horse on which waggoner, &c. rides. soldiers on march, vagrants passed, or prisoners transmitted.

Persons chargeable to repair shall yearly do two days statute work on said roads, as surveyors by writing direct,

and not chargeable again.

Surveyors of respective parishes shall yearly in four days after request give lists, to surveyors by this act appointed, of all persons chargeable;

and in three days after notice summon or give notice to those chargeable.

XV. And be it further enacted by the authority aforesaid, That every person, chargeable towards repairing the said highways or roads as aforesaid, shall yearly during the continuance of this act do and perform two days of that work, commonly called the statute-work, which is appointed by the laws now in being for amending of the highways in this kingdom, in such manner, place, and places, being part of the highways hereby intended to be repaired, and at such time, as the surveyor or surveyors to be appointed by virtue of this act shall by writing under his or their hand or hands from time to time order and direct, and shall not be again chargeable for the same by any surveyor or surveyors of the respective parishes, or any person whatsoever; and also that the respective surveyor or surveyors for the time being of all and every parish and parishes, in which the said highways and roads intended to be repaired by this act lye, shall yearly and every year within four days after request made to him or them by the surveyor or surveyors for the time being, appointed by virtue of this act, give lists or an account in writing under his or their hand or hands of the name or names of all and every person and persons in the said respective parish or parishes, who are by the laws in force chargeable towards the repairing of the highways of the said respective parishes, and what he or they is or are chargeable with respectively for and towards the same, to the surveyor or surveyors appointed or to be appointed by virtue of this act; and that the said surveyor or surveyors of the said parishes shall within three days next after notice given by the said surveyor or surveyors appointed by this act of the time when, and how many of the said persons, so chargeable as aforesaid, he or they would have to do the said two days work in and upon the said road to be repaired by this act, either summon or give publick notice thereof

thereof to the said person or persons so chargeable as aforesaid ; and if any surveyor or surveyors of the said parishes respectively shall neglect or refuse to do, as they are hereby directed and required, he or they for every offence shall forfeit and pay the sum of forty shillings : and if any person or persons keeping a team, cart, car, or other carriage, and chargeable towards repairing the highways as aforesaid, shall neglect or refuse to do and perform the said two days work in the said highways by this act intended to be repaired after such summons or publick notice shall be given as aforesaid, he or they shall respectively forfeit and pay the sum of five shillings for each of the said two days such person or persons keeping a team, cart, car, or other carriage, shall make default ; and if any labourer, or other person so chargeable towards repairing the highways of the said parishes, shall at any time neglect or refuse after such summons or publick notice given as aforesaid to do and perform the said two days work in the said highways by this act intended to be repaired, he or they shall respectively forfeit and pay the sum of one shilling for each of the two days such labourer or other person or persons shall make default : all which penalties and forfeitures by this act imposed shall be levied and recovered by distress and sale of any of the offenders goods and chattels by warrant or warrants under the hands and seals of the said trustees, or any five or more of them, upon the information of one or more credible witness or witnesses upon oath, which oath the said trustees, or any five or more of them, are hereby empowered to administer ; and the said forfeitures and penalties before mentioned, when recovered, after rendering the overplus (if any be) to the party or parties whose goods and chattels shall be so distrained, the charges of such distress and sale being first deducted, shall go and be applied for and towards amending the said highways intended by this act to be repaired, in like manner as the whole intended by this act is to go and be applied.

XVI. And be it further enacted by the authority aforesaid, That the toll or duty hereby granted shall take place and have continuance only from and after the tenth day of May in the year of our Lord one thousand seven hundred and thirty, for and during the term of twenty one years.

XVII. Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the trustees appointed, or hereafter to be chosen by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and repayment of such money as shall have been advanced or borrowed, and money advanced re-

A. D. 1729.  
Chap. 18:  
Penalty on parish surveyors 40 s.  
on persons keeping a cart, &c. 5 s. each of the 2 days.

On others 1 s. each day.

Penalties by distress by warrant of 5 trustees on oath of 1 witness,

and applied to amend said road.

Said toll to continue 21 years from 10 May 1730.  
7 G. 2. 16.  
continued 24 years, &c.

unless the road is before adjudged by the trustees sufficiently repaired,

and money advanced repaid.

A. D. 1729. rowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine ; any thing herein contained to the contrary notwithstanding.

**XVIII.** And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, removal, or refusing to act in the said trust, by any writing or writings under their hands and seals from time to time; and at all times hereafter during the term aforesaid, to elect, nominate, and appoint, in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able person or persons living in the said counties of Dublin or Kildare, to be joined with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act ; and all and every person or persons, so to be chosen trustee or trustees to join in putting this act in execution, as they are herein before qualified to do, shall, and may, and are hereby impowered to act to all intents and purposes, in as full, large, and ample manner as the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall be or require.

and meet at  
Kill 1st May  
1730, adjourn  
and meet at  
any place near  
said road ;

and, for  
want of suffi-  
cient number,  
may adjourn ;

the clerk to  
fix a notice on  
the gates 10  
days before  
next meeting ;  
23 G. 2. 16.

Trustees at  
meeting shall  
defray their  
own charges.

**XIX.** And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall meet at Kill in the county of Kildare the first day of May in the year of our Lord one thousand seven hundred and thirty, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution ; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting, and to adjourn to any other day, then and in such case the clerk to the said trustees by notice, in writing to be affixed at the respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be held, or at some other convenient house near the said roads, on the day three weeks next after the day on which such last meeting of the said trustees was appointed to have been held ; and the said trustees at their first meeting, and

and at all their subsequent meetings, shall defray their own A. D. charges and expences.

XX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted, but such person or persons shall be incapable, from the time of accepting and continuing to enjoy such place of profit, of acting as a trustee.

1729.

None having place of profit out of the toll shall be trustee:

XXI. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action shall be laid in the said county of Dublin or county of Kildare, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

Suits against persons for acting laid in counties of Dublin or Kildare.

Defendants may plead general issue, &c.

and have treble costs.

XXII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a public act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever without specially pleading the same.

This a public act.

# C H A P. XIX.

*An act for repairing the road leading from the city of Dublin to the town of Navan in the county of Meath.*

WHEREAS the highway or road leading from Stony-batter in the suburbs of the city of Dublin to Castleknock, and from thence through Clonee, Dunshaglin, and hill of Tara, to the town of Navan in the county of Meath, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad,

7 G. 2. 24.

The road not to be repaired by the ordinary that course.

A. D. that in winter season many parts thereof are impassable for  
1729. waggons, carts, cars, and carriages, and very dangerous for  
Chap. 19. travellers, and cannot by the ordinary course appointed by the

laws and statutes of this realm be effectually mended and kept in  
good repair : wherefore, and to the end that the said highways or  
roads may with convenient speed be effectually mended, and

hereafter kept in good and sufficient repair, so that all persons  
may travel through the same with safety ; be it enacted by the  
King's most excellent Majesty, by and with the advice and consent

of the lords spiritual and temporal and commons in this present  
Parliament assembled, and by the authority of the same, That  
for the better surveying, ordering, amending, and keeping in  
repair the said highways or roads, it shall be in the power of  
the right honourable Chaworth earl of Meath, the right ho-  
nourable Edward earl of Drogheda, the right honourable Brinsley  
lord viscount Lanesborough, the right honourable William lord  
baron of Howth, the right honourable Henry lord baron of  
Santry, the right reverend Ralph lord bishop of Meath, the  
right honourable Sir Ralph Gore baronet, the right honourable  
Sir Gustavus Hume baronet, the right honourable Marmaduke  
Coghill esquire, the right honourable Benjamin Parry esquire,  
the honourable Humphry Butler esquire, the honourable Edward  
Brabazon esquire, Sir Compton Domville baronet, Sir Thomas  
Taylor baronet, Hercules Rowley esquire, Richard Weisley,  
Peter Ludlow, John Preston, Thomas Carter, Charles Lambert,  
senior, Charles Coote, Henry Sandford, William Connolly,  
Robert Percival, Thomas Meredyth, John Wade, Hugh Henry,  
Henry Brooke, Charles Hamilton, Thomas Taylor, Nathaniel  
Preston, Wentworth Harman, Luke Gardiner, Charles Lambert,  
junior, Robert Naper, Thomas Bligh, George Johnston, John  
Folliot, Nathaniel Clements, William Fitzherbert, Edward  
Bolton, James Somerville, John Rochford, William Ludlow,  
Bruen Worthington, Benedict Arthur, John Warren of Corduff,  
Robert Waller, Oliver Moor, Richard Geering, Benjamin Pratt,  
Richard Ford, William Swan, Christopher Nicholson, William  
Beckett, Edward Ford, Robert Shields, William Smith of Stony-  
batter, Samuel Gibbons, Lawrence Bain, Robert Norman, Ro-  
bert Fox, Thomas Moland, Thomas Sinnot, Arthur Dillon, and  
William Yarner esquires, Thomas Bolton esquire, doctor of phy-  
sick, James Noy esquire, the reverend Richard Bolton, the re-  
verend John Jordan, the reverend Richard Stewart, captain Sa-  
muel Woodward, John Ker of the city of Dublin gentleman,  
Richard Barry, William Noy, Noah Webb, Edward Noy, Tho-  
mas Jones, Philip Barry, Luke Sandford, Theobald Dillon, Tho-  
mas Cannon, John Hawkins of Lutterels town, and Marks Tue  
gentleman,

For repair  
thereof trust-  
tees appoint-  
ed,

23 G. 2. 16.  
may sue and  
be sued as if  
incorporated,  
and must  
have 50 l. per  
ann. freehold,  
or 1000 l. per-  
sonal.



gentleman, the reverend archdeacon Walls, John Tue, Clotwor- A. D.  
thy Shields, Rowland Cooke, Charles Matthews, Edmond Hac- 1729.  
kett, Narcissus Proby, Valentine Elson, William Steers, Joshua Chap. 19.  
Wilson, Patrick Walsh, Stephen Stephens, Richard Gar-  
land, William Crosthwait, John Townsend, Vincent Kidder,  
Hugh Galbraith, and Samuel Kathrens gentlemen, who are  
hereby nominated and appointed trustees of the said roads, and  
the survivors of them, that they, or any five or more of them, <sup>Any 5 may erect gates and toll-houses,</sup>  
or such person or persons as they, or any five or more of them,  
shall authorize and appoint, shall and may erect, or cause to be  
erected, one or more gate or gates, turnpike or turnpikes, in,  
upon, or across any part or parts of the said highways or roads ;  
and also a toll-house or toll-houses, and there shall receive and <sup>and take toll.</sup>  
take the tolls and duties following before any horse, mare, <sup>7 G. 2. 22. the toll altered.</sup>  
gelding, ass, or mule, cattle, coach, Berlin, chariot, calash,  
chaise, chair, waggon, wain, cart, car, or other carriage, shall  
be permitted to pass through the same, viz. for every coach, <sup>For a coach, 6 s. and four horses, 1 s. less than 4, 6 d.</sup>  
Berlin, chariot, calash, chaise, or chair drawn by four horses  
or more, the sum of one shilling ; and for every coach, Ber-  
lin, chariot, calash, chaise, or chair drawn by one horse, or  
any less number of horses than four, the sum of six pence ;  
for every waggon, wain, cart, or carriage with four wheels, <sup>4 wheeled waggons, 8 d.</sup>  
the sum of eight pence ; for every wain, cart, or carriage  
with two wheels, having more than one horse, mare, or <sup>2 wheeled, and more than 1 horse, 2 d.</sup>  
gelding, ass, or mule, the sum of two pence ; for every car or  
other carriage having but one horse, mare, gelding, ass or mule, <sup>with 1 horse, 1 d.</sup>  
the sum of one penny ; for every horse, mare, gelding, mule,  
or ass, laden or unladen, and not drawing, one half-penny ; for <sup>a horse not drawing, one halfpenny.</sup>  
every drove of oxen or neat cattle, the sum of ten pence <sup>Oxen, 10 d. calves, 5 d. per score.</sup>  
score, and so in proportion for any greater or lesser num-  
ber ; for every drove of calves, hogs, sheep, or lambs, the  
sum of five pence <sup>per</sup> score, and so in proportion for any greater  
or lesser number : which said respective sum and sums of mo-  
ney shall be demanded and taken in the name of or as a toll <sup>The money raised vested in trustees ;</sup>  
or duty, and the money so to be raised as aforesaid is and  
shall hereby be vested in the said trustees, and the same, and  
every part thereof, shall be paid, applied, disposed of, and as-  
signed to and for the several uses, intents, and purposes, and  
in such manner, as is herein after mentioned and directed ; and the  
trustees, or any five or more of them, are hereby empowered by <sup>any 5, &c. may on non-payment levy by distress, and sell after 5 days.</sup>  
themselves, or any person or persons by them, or any five or  
more of them, under their hands and seals thereunto authorized,  
to levy the toll or duty hereby required to be paid upon any  
person or persons, who shall (after demand made thereof) neglect  
or refuse to pay the same, by distress of any horse or horses, or  
other

A. D. 1729. Chap. 19. other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods and chattles of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall and may be lawful to and for such person and persons so distraining after the space of five days, after such distress made and taken, to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof, after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

Charges first paid,

II And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, and toll-house or toll-houses, and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the toll to be collected, at any turnpike or turnpikes to be erected and set up on the said road leading from the city of Dublin to the town of Navan in the county of Meath as aforesaid, shall be applied for and towards the repair of the said road only, and not elsewhere.

then laid out on said road.

Occupiers of land adjoining giving a passage,

III. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act, shall for gain, reward, or otherwise, willingly permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach, Berlin, chariot, calash, chaise, or chair, waggon, wain, cart, car, carriage, or riding, or driving any horse, ass, mule, or any sort of cattle, and be thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, shall forfeit and pay to the trustees authorized to put this act in execution the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal, or under the hands and seals, of the said trustees, or any five or more of them, or such justice or justices, rendering the overplus to the owner (if any be) the charges in taking and disposing of the said goods being first deducted.

penalty to trustees 10s.

IV. And

IV. And be it further enacted by the authority aforesaid, A. D. 1729. That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gate or gates, Chap. 19. turnpike or turnpikes, on the side of the said highways or roads cross any lane or way leading out of the said road, and toll-house or toll-houses, and there to receive and take such toll, as is appointed by this act to be taken, so as the same do not extend to a double charge, in case of passing through any other of the said turnpikes to be erected by virtue of this act between the said city of Dublin and the said town of Navan as aforesaid.

Gates, &c. may be erected cross any way leading out of said road, and toll collected, so as no double charge.

V. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, at their first meeting, or any succeeding meeting, by writing under their hands and seals shall and may elect, nominate, and appoint, one or more fit person or persons to be receiver or receivers, collector or collectors, of such money, in the name of such toll or duty as shall be due and payable by virtue of this act; and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highway or road, and to see that the same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied, and from time to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rate aforesaid to the said receiver or receivers, collector or collectors, of the said toll or duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor or surveyors as aforesaid, shall upon oath, if thereto required by the trustees, or any five or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid (which oath the said trustees, or any five or more of them, or such justice and justices is and are hereby impowered and required to administer) on the first Tuesday in every month, or oftner if required, during the continuance of this act, give in a true, exact, and perfect account in writing under their respective hands of all moneys, which he and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act by reason of their respective offices, for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees,

5 trustees at meeting may appoint collectors and surveyors,

remove, and chuse others.

Said toll accounted for on oath, if required, first Tuesday every month or oftner.

paid, and laid out on said road.

A. D. or any five or more of them, or to such person or persons as  
 1729. the said trustees, or any five or more of them (as are qualified  
 Chap. 19. to act) shall by any writing or writings under their hands and  
 seals authorize and impower to receive the same; which shall be  
 disbursed and laid out in amending the said highway or road  
 according to the true intent and meaning of this act, and not

Allowance  
 to collectors,  
 surveyors, &c.

otherwise; and the said trustees, or any five or more of them,  
 to whom such account shall be given, shall and may out of the  
 money arising by the said toll or duty make such allowance to  
 the said receiver or receivers, collector or collectors, and the  
 surveyor or surveyors, for and in consideration of his and their  
 care and pains respectively taken in the execution of his  
 and their office and offices, and to such other person or  
 persons, who shall have been or shall be assisting in and  
 about procuring the said highways and roads to be amended  
 and repaired by advancing or laying out any moneys, or  
 otherwise relating thereunto, as to them shall seem good:  
 and in case the said receiver or receivers, collector or collectors,  
 of the aforesaid toll and duty, or any of them, shall not  
 make such account and payment unto such person and persons,  
 according to the orders and directions of the said trustees, or  
 any five or more of them as aforesaid, that then the said justices  
 of the peace at any special sessions, or meeting of them to be  
 holden for the county, in which the said receiver or receivers,  
 collector or collectors, have acted or been employed, and made  
 such default as aforesaid, shall make inquiry of and concerning  
 such default, as well by confession of the said parties themselves,  
 as by the testimony of one or more credible witness or witnesses  
 upon oath, which oath they are hereby impowered and required  
 to administer without fee or reward; and if any person or persons  
 shall be convicted thereof by such justices, the said justices shall  
 upon such conviction commit the party or parties to the common  
 goal of the county, where such offence shall be committed, there  
 to remain without bail or mainprize until he or they shall have  
 made a true and perfect account and payment as aforesaid.

Surveyors  
 may dig for  
 materials in  
 any neigh-  
 bouring waste  
 or common,  
 without pay-  
 ing.

VI. And be it further enacted by the authority aforesaid,  
 That it shall and may be lawful to and for the said surveyor or  
 surveyors, and such person or persons as he or they shall appoint,  
 to dig, raise, gather, take, and carry away, any gravel, furze,  
 sand, stones, or other materials, out of any waste or common  
 of any parish, town, village, or hamlet, in or near which any  
 foundrous or ruinous places of the said highways or roads  
 do lye; and for want of sufficient gravel, furze, sand, stones,  
 or other materials there; to dig, gather, raise, take, and carry  
 away the same out of the waste or common of any neighbour-  
 ing

ing parish, town, village, or hamlet, without paying any thing A. D. for the same; and where there is not sufficient of such materials in any commons or waste grounds near adjoining, it shall 1729. Chap. 19. and may be lawful for them by order of the said trustees, or any five or more of them, to dig, raise, and gather the same, in the several grounds of any person or persons, not being a house, garden, orchard, yard, or meadow, planted-walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof, as the said surveyor or surveyors in their respective places shall adjudge necessary for the repairing and amending the said highways or roads, paying such rate for such materials and for the damage to the owner or occupier of the ground, from whence the same shall be digged, raised, gathered, and carried away, as the trustees appointed or to be appointed to put this act in execution, or any five or more of them, shall adjudge reasonable; and in case of any difference between such owner or occupier and the said trustees touching the value of the materials and damage aforesaid, the judges of assize, or the justices of the peace at the next general assizes and general goal delivery, or quarter-sessions to be holden in the county, where such materials shall be digged, raised, or gathered, and from whence the same shall be carried away, may and shall adjudge, assess, and finally determine the same.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the surveyor or surveyors, and such person or persons as he or they shall appoint, from time to time to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired, by removing any filth, dung, ashes, rubbish, water-courses, sinks, or drains running into the said highways or roads, and by cleansing any ditch or water-courses adjoining to the said roads, or by cutting down, lopping, or topping any trees or bushes growing in the said highways, or in the hedges or banks adjacent to the said highways, and to take and carry away the same; (the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances for the space of ten days after notice in writing given for that purpose under the hands of five of the said trustees) the charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down the said trees or bushes, or to remove such other annoyances as aforesaid; and if after removal of any such annoyances, any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such

or for want thereof may dig by order of 5 trustees in any persons grounds, (not being a house, garden, &c. paying as trustees think reasonable: 11 G. 2. 17. may dig in ground used for potatoe garden.

Differences between owner and trustees adjusted at assizes or sessions.

Surveyors, &c. may remove annoyances, cleanse ditches adjoining, cut down or lop trees (on neglect of owner or occupier 10 days after notice in writing by 5 trustees:

Charges reimbursed by occupier.

Offenders after removal pay on conviction before a justice 10s. to trustees:

A. D. such offence forfeit and pay unto the said trustees the sum of ten 1729. shillings, to be levied in manner aforesaid.

Chap. 19. VIII. And be it further enacted by the authority aforesaid,

Surveyors by order of 5 trustees may make causeways, and cut drains thro' grounds contiguous, and erect arches, and widen roads by taking in grounds (not being a house, garden, &c. and make trenches: That it shall and may be lawful to and for the said surveyor or surveyors, by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains through any ground lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner as such

making reasonable satisfaction,

assessed at assizes or sessions on any difference.

Owner of water-courses or ditches not cleansing them on 10 days notice, surveyor may do it, 23 G. 2. 16.

and by warrant of 5 trustees levy the charge.

surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair, making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said highways or roads, through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or the justices of the peace, or the major part of them, at the next general assizes or quarter-sessions to be holden for the county, in which such ground shall be laid into the said highways or roads, and through which any such drain or drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-course, ditch or ditches, adjoining to the said highways or roads shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor and surveyors to set any man or men to work to scour, cleanse, and make the same, and by warrant from any five or more of the said trustees to levy the charge thereof upon the persons, goods, or estates of the owner or owners, occupier or occupiers of such water-course, ditch or ditches, by distress and sale of his, her, or their goods and chattles, rendring the overplus (if any be) to the said owner or occupier after all charges paid.

IX. And

IX. And forasmuch as the money to be collected by such receipt of the toll will not be sufficient for the speedy repairing the said highways and roads: be it further enacted by the authority aforesaid, That the said trustees, or any nine or more of them, shall and may, and are hereby impowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof, the costs and charges whereof to be born and paid out of such toll or duty, for any time or term during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons, or their trustees, who shall advance and lend the same, to secure the repayment thereof with lawful interest, or less, if the same can be so had; which said money borrowed shall be applied and disposed of, as the said toll or duty should have been applied and disposed of by this act, and to no other use or purpose whatsoever.

A. D. 1729. Chap. 19.  
Nine trustees may assign the toll as security for money borrowed to repair said road.

X. Provided always, That in case there shall be more than one gate or turnpike in, cross, or on the side of the said highway or road between the said city of Dublin and the said town of Navan, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said highway or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons having occasion to pass the place or places, where the toll or duty is taken, and who shall return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash, waggon, cart, carr, or other carriage, shall be lyable or compellable the same day to pay the said toll or duty more than once on the said road.

Persons delivering a ticket of payment at the first gate, not liable to pay at another, nor returning the same day with same horse or carriage.

XI. And for preventing frauds and abuses in the said toll or duty; be it enacted by the authority aforesaid, That if any person or persons having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give and dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of

Giver and receiver of a ticket to avoid toll shall respectively forfeit 10 s.

A. D. 1729. Chap. 19. the peace for the county wherein such offence or offences shall be committed, shall respectively forfeit and pay the sum of ten shillings; to be levied, recovered; and disposed of as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

No toll paid on days of election of members of Parliament for the counties of Dublin and Meath, or boroughs therein.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horse-back shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Dublin and Meath, or citizens for the city of Dublin, or of any burghers to serve in Parliament for any boroughs in the said counties respectively; any thing herein contained to the contrary notwithstanding.

5 trustees may compound, 23 G. 2. 16.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through the turnpike or turnpikes to be erected, with any milch cows, horse, mare, or gelding, ass or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, carr, or other carriage, for any sum or sums of money to be paid quarterly from time to time after such agreement shall be made.

payable quarterly,

Exempt from toll:

Persons carrying Kilkenny coals, or materials for repairing said roads, or roads in neighbouring parishes:

or corn in straw only:

Implements of husbandry used in parishes in which said roads lye:

Cattle going to water:

Post-horse with the mail:

or the waggoner's horse.

Soldiers on march:

XIV. Provided also, and it is hereby declared, that no person shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of Kilkenny-coals, or of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lye, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty or any carts, carriages, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry in order to the using and repairing the same in the several parishes, in which the said highways or roads hereby intended to be repaired do lye; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle going to water, or for any post-horse carrying the mail or packet, or of such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage; provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing that are upon their march, or for waggons, carts, carriages, or other carriages attending them, or for horses, waggons, carts, carriages, or other



other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another. A. D. 1729.

XV. And be it further enacted by the authority aforesaid, Chap. 19.

That every person chargeable towards repairing the said highways or roads as aforesaid shall yearly, during the continuance of this act, do and perform two days of that work, commonly called the statute-work, which is appointed by the laws now in being for the amending of the highways in this kingdom, in such manner, place and places, being part of the highways hereby intended to be repaired, and at such time as the surveyor or surveyors to be appointed by virtue of this act shall by writing under his or their hand or hands from time to time order and direct, and shall not be again chargeable for the same by any surveyor or surveyors of the respective parishes, or any person whatsoever: and also that the respective surveyor or surveyors for the time being of all and every parish and parishes, in which the said highways and roads intended to be repaired by this act lye, shall yearly and every year within four days after request, made to him or them by the surveyor or surveyors for the time being appointed by virtue of this act, give a list or an account in writing under his or their hand or hands of the name or names of all and every person or persons in the said respective parish or parishes, who are by the laws in force chargeable towards the repairing of the highways of the said respective parishes, and what he or they is or are chargeable with respectively for and towards the same, to the surveyor or surveyors appointed or to be appointed by virtue of this act; and that the said surveyor or surveyors of the said parishes shall within three days next after notice given by the said surveyor or surveyors appointed by this act of the time when, and how many of the said persons, so chargeable as aforesaid, he or they would have to do the said two days work in and upon the said roads to be repaired by this act, either summon or give publick notice thereof to the said person or persons so chargeable as aforesaid; and if any surveyor or surveyors of the said parishes respectively shall neglect or refuse to do, as they are hereby directed and required, he or they for every offence shall forfeit and pay the sum of forty shillings; and if any person or persons keeping a team, cart, carr, or other carriage, and chargeable towards repairing the highways as aforesaid, shall neglect or refuse to do and perform the said two days work in the said highways by this act intended to be repaired, after such summons or publick notice shall be given as aforesaid, he or they respectively shall forfeit and pay the sum of five shillings for each of the said two days such person or persons keeping a team, cart, carr, or other carriage shall make default; and if any labourer or other person, so chargeable towards repairing

A. D. 1729.

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Vagrants passed or prisoners transmitted.

Persons chargeable to repair shall yearly do two days statute work on said roads, as surveyor by writing direct:

and not chargeable again.

Surveyors of respective parishes shall yearly in 4 days after request give lists to surveyors by this act appointed of all persons chargeable.

and in 3 days after notice summon those chargeable.

Penalty on parish surveyors 40 s.

on persons keeping a cart, &c. 5 s. each day.

**A. D. 1727.** repairing the highways of the said parishes shall at any time neglect or refuse, after such summons or publick notice given as  
**Chap. 19.** aforesaid, to do and perform the said two days work in the said highways by this act intended to be repaired, he or they shall respectively forfeit and pay the sum of one shilling for each of the said two days such labourer or other person or persons shall make default; all which penalties and forfeitures by this act imposed shall be levied and recovered by distress and sale of any of the offenders goods and chattels by warrant or warrants under the hands and seals of the said trustees, or any five or more of them, upon the information of one or more credible witnesses or witnesses upon oath; which oath the said trustees, or any five or more of them, are hereby impowered to administer; and the said forfeitures and penalties before mentioned, when recovered, after rendering the overplus (if any be) to the party or parties whose goods or chattels shall be so distrained, the charges of such distress and sale being first deducted, shall go and be applied for and towards amending the said highways, intended by this act to be repaired, in like manner as the toll intended by this act is to go and be applied.

on others  
 i. s. each day.

Penalties  
 levied by distress, by warrant of 5 trustees, on oath of 1 witness,

and applied to amend said road.

Said toll to continue 21 years from 10 May 1730.  
 7 G. 2. 22.  
 continued 24 years, &c.

unless said road is before adjudged by majority of trustees, under hand and seal, sufficiently repaired.

and money advanced repaid.

Five trustees, on death, removal, or refusing to act, may elect others living in counties of Dublin and Meath.

**XVI.** And be it further enacted by the authority afore said, That the said toll and duty hereby granted shall take place and have continuance only from and after the tenth day of May in the year of our lord one thousand seven hundred and thirty for and during the term of twenty one years.

**XVII.** Provided nevertheless, That if any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the trustees appointed, or hereafter to be chosen, by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and re-payment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the toll and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

**XVIII.** And be it further enacted by the authority afore said, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, or any of their removal, or refusing to act in the said trust, by any writing or writings under their hands and seals from time to time, and at all times hereafter during the term afore said, to elect, nominate,

nominate, and appoint in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able persons, living in the said counties of Dublin or Meath, to be joyned with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act; and all and every person or persons so to be chosen trustee or trustees to joyn in putting this act in execution, as they are herein before qualified to do, shall, and may, and are hereby impowered to act to all intents and purposes, in as full, large, and ample manner as the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall be or required.

XIX. And be it further enacted by the authority aforesaid, That the said trustees, or any twenty one or more of them, shall meet at the Tholsel of the city of Dublin on or before the twentieth day of April one thousand seven hundred and thirty, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution; and if it shall happen that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at the respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be held, or at some other convenient house near the said roads, on the day three weeks next after the day on which such last meeting of the said trustees was appointed to have been held; and that the said trustees at their first meeting, and at all their subsequent meetings, shall defray their own charges and expences.

XX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted; but such person or persons shall be incapable from the time of accepting and continuing to enjoy such place of profit of acting as a trustee.

XXI. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, in every such case the action shall be laid in the said county of Dublin or county of Meath, and not elsewhere; and the defendant or defendants

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21 or more  
trustees shall  
meet at the  
Tholsel 20  
April 1730;

adjourn and  
meet at any  
place near said  
road, as often  
as necessary,

and for want  
of sufficient  
number;

the clerk to  
affix notice on  
the gates 10  
days before  
next meeting,  
&c.

23 G. 2. 16.

Trustees at  
meeting to de-  
fray their own  
expences.

none having  
place of profit  
out of the toll  
shall be trustee.

Suits against  
persons for  
acting laid in  
county of  
Dublin or  
Meath.

A. D. 1729. in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law.

Defendant  
may plead ge-  
neral issue,  
&c.

and have  
treble costs.

this a pub-  
lick act.

XXII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

## C H A P. XX.

### *An Act for the relief of insolvent debtors.*

10 *Wil. 3. 1.*  
4 *Anne 13.*  
9 *Anne 10.*  
2 *G. 1. 23.*  
6 *G. 1. 17.*  
20 *G. 1. 21.*  
1 *G. 2. 5.*  
9 *G. 2. 20.*  
23 *G. 2. 17.*  
29 *G. 2. 17.*  
1 *G. 3. 16.*  
1 *Anne 25.*  
*stat. 1. Eng.*  
2 & 3 *Anne 16.*  
*Eng.*  
11 *G. 1. 21.*  
*Eng.*  
2 *G. 2. 20.*  
*Eng.*  
21 *G. 2. 31.*  
*Eng.*  
28 *G. 2. 23.*  
*Eng.*  
29 *G. 2. 18.*  
*Eng.*

**W**HEREAS many persons by losses and other misfortunes are rendered incapable of paying their whole debts, and, though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and by several acts of Parliament have been discharged: for the relief therefore of insolvent prisoners, who shall faithfully discover upon oath, and deliver up, and assign all their estates and effects whatsoever for the benefit of their creditors; and to prevent as far as possible the many frauds and abuses, which in a great measure have obstructed the good end of such former acts: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every sheriff or sheriffs, goaler or keeper of any prison or prisons, in any county, city, town, and liberty, within this kingdom respectively, shall and is or are hereby impowered and required to take and make a true, exact, and perfect list alphabetically of the name or names of all and every person or persons, who upon the thirtieth day of October in the year one thousand seven hundred and twenty nine was or were actually prisoner or prisoners in the custody of any such sheriff or sheriffs, goaler or goalers, or keeper of any prison respectively upon any process whatsoever for or by reason of any debt, damages, costs, sum or sums of money, and of the time when such prisoner or prisoners were charged in custody, together with the name or names of the person or persons at whose suit such prisoner or prisoners is or are detained, and shall deliver the same to the justices at the first general or quarter-sessions of the peace to be held after the twenty fifth day of March in the year one thousand seven hundred and thirty for such county, city, town, or liberty respectively, and shall in open court take an oath to the effect following: (*viz.*)

## The third year of George II.

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*I A. B. do upon my corporal oath in the presence of Almighty God solemnly swear, profess, and declare, that all and every person and persons, whose name or names are inserted and contained in the foregoing list by me now delivered and subscribed, were to the best of my knowledge and belief upon the thirtieth day of October in the year of our Lord one thousand seven hundred and twenty nine really and truly prisoners in the prison or goal of*

*at the suit or suits of the several persons therein respectively mentioned, and so have continued without any fraud or deceit by me, or any other to my knowledge, unto this day, unless out of prison by due course of law, or otherwise out of prison not exceeding ten days in the whole betwixt the said before mentioned times, and that the said list is a true, exact, perfect, and just list of all such persons as were really and truly prisoners in the said goal or prison of*

*on the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, and have from that time to this day so continued as aforesaid.*

*So help me God.*

Which oath the justices at the said general or quarter-sessions in open court are hereby impowered to administer; the words of which oath shall be entered or written at the end or bottom of every such list so delivered and subscribed in open court by every such sheriff, goaler, or keeper respectively; which list so subscribed and sworn unto shall be kept by the clerk of the peace of every such county, city, town, or liberty respectively for the better satisfaction of the said justices, and information of all creditors, and to be seen without fee or reward; and the said justices at the said general or quarter-sessions shall order copies of the said list or lists to be printed by the clerk of the peace; for each of which printed copies he may take, according to the quantity of the names therein contained, what shall be ordered by the said justices, not exceeding six pence for each list, the same to be paid by such person or persons as shall desire such copy or copies.

II. And to the end that no such poor prisoner may be defeated of his or her discharge according to the true intent and meaning of this act, by having his, her, or their name or names left out of the said lists so to be delivered: be it further enacted by the authority aforesaid, That all and every such sheriff or sheriffs, goaler or goalers, or keeper of any prison is and are hereby required to fix up in the most conspicuous place or places in every such prison, and at the most frequented and usual gate, door, or entrance into every such prison, three or more true copies of the list or list to be delivered at the said general or quarter-sessions ten days before the said sessions; and if any such sheriff or sheriffs, goaler or goalers, keeper or keepers of any such prison, shall in any such list to be delivered in as aforesaid neglect or refuse to insert the name of any prisoner or prisoners, who was or were in prison on the said thirtieth day of October one thousand seven hundred and twenty nine, and had continued so confined as aforesaid, the person or persons so neglecting or refusing to insert the same shall for every such name or names so omitted incur and be subject to such penalty or penalties, as are herein after imposed or laid on every such sheriff or sheriffs, goaler or goalers, keeper or keepers, who shall neglect or refuse to make out, fix up, or deliver such list as aforesaid; to be recovered in the same manner, and to be applied to such use and uses, as herein after directed for the recovery and application of the penalty in case of neglect or refusal to make out such lists as aforesaid.

III. And be it further enacted by the authority aforesaid, That all and every person and persons, whose name shall be inserted in such lists to be delivered in as aforesaid, who upon the said thirtieth day of October one thousand seven hundred and twenty nine were actually prisoners in the custody of any sheriff or sheriffs, goaler or goalers, or keeper of any prison respectively of this kingdom, and from thence as aforesaid to the time of their being discharged in manner as herein after directed, shall continue actually prisoners, who shall take the oath herein after mentioned, shall and may be for ever released and discharged from their imprisonment, in such

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such manner as hereafter is provided: (that is to say) it shall and may be lawful for any justice or justices of any county, city, town, or liberty within this kingdom, upon the petition of such prisoner or prisoners by warrant under his or their hands and seals to require the sheriff or sheriffs, goaler or goalers, or keeper of any such prison within his or their respective jurisdictions to bring before the justices at the next general or quarter-sessions of the peace to be held next after the expiration of thirty days from the date of the said warrant for such respective county, city, town, or liberty, the body of any person being in the said prison as aforesaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cause or causes, which he, she, or they is or are charged with in the several goals and prisons as aforesaid, at the time aforesaid; which warrant of the said justice or justices every such sheriff, goaler, or keeper is hereby commanded to obey; and such prisoner, coming before such justices at the said general or quarter-sessions, shall in open court subscribe and deliver in a schedule of his or her whole estate, and the names of his or her several debtors, and the several sums of money from them respectively secured or owing upon any specialty, contract, or other account whatsoever, and the names and places of abode of the several persons, from whom such debts are due and owing, and of the witnesses who can prove such debts or contracts, (if there be any such) and make oath and swear to the effect following: (that is to say)

*I A. B. do upon my corporal oath in the presence of Almighty God solemnly swear, protest, and declare, that on the thirtieth of October in the year of our Lord one thousand seven hundred and twenty nine I was a prisoner within the prison of*  
*in the custody of the goaler or keeper of the said prison of*  
*at the suit of*  
*without my*  
*consent or procurement, and without any fraud or collusion whatsoever, and from that time till this day have been in custody and confined at the suit or suits of the person or persons before named, unless at such time when I was out of prison by due course of law, or otherwise out of prison not exceeding ten days in the whole, betwixt the times before mentioned; and that the schedule now delivered and by me subscribed doth contain to the best of my knowledge, remembrance, or belief, a full, just, true, and perfect account and discovery of all the estate, goods, and effects unto me in any wise belonging, and such debts as are to me owing, or to any person or persons in trust for me, and of all the securities and contracts whereby any money now is, or will, or may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any person or persons in trust for me, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses that can prove such debts or contracts, and that neither I, nor any other person or persons in trust for me, have lands, money, stock, or any estate real or personal in possession, reversion, or remainder, other than what are in the said schedule contained, excepting wearing apparel, bedding for my self and family, working tools and necessary implements for my occupation and calling, and those in the whole not exceeding the value of ten pounds; and that I have not directly or indirectly sold, lessened, or otherwise conveyed, disposed of in trust, or concealed all or any part of my land, money, goods, chattels, stocks, debts, securities, contracts, or estates real or personal, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted in any wise howsoever.*

*So help me God.*

And which said schedule, being so subscribed in the presence of the justices in open court and sessions aforesaid, is to remain with the clerk of the peace for the better information of all the creditors of such prisoner; and all the estate, right, title, interest and trust of such prisoner of in and unto such real estate, as well copy or customary-hold, as freehold, and such personal estate, debts, and effects

effects contained in such schedule as aforesaid shall immediately after the discharge of such prisoner be and is hereby vested in the clerk of the peace of and for the county, city, or town corporate, who is hereby directed and authorized by order of the justices at their general or quarter-sessions of the peace to make an assignment of the said estate and effects to such of the creditors of the said prisoner, as the major part of the said creditors of the said prisoner, who shall apply for the same, by any writing under their hands shall direct or appoint; for which assignment the said clerk of the peace shall take a fee of one shilling and no more, in trust for themselves and the rest of the creditors; which said assignee or assignees is and are hereby impowered to sue in his, her, or their own name or names for and to recover and receive the same, and to give sufficient discharge and discharges to each respective debtor or debtors, and fully to divide the said prisoners estate and effects, or the moneys arising from the sale or disposition thereof, such sale or disposition to be approved of by the major part of the said creditors in writing as aforesaid, among the creditors of such prisoner, who within one month after notice of such intended dividend be published in the Dublin Gazette published by authority shall produce to such assignee or assignees an affidavit made before one or more justice or justices of the peace, who is and are hereby impowered to take the same, proving his or her debt due from the said prisoner so discharged, in equal proportions according to their respective debts; and, after the same is recovered and received, to render the overplus, if any shall be, their own debts and charges first deducted, to the prisoner, his executors or administrators.

IV. Provided always, That nothing herein before contained shall extend to prejudice or affect any estate, interest, or right whatsoever of any other person or persons than the said prisoner, which may be expectant upon or subsequent unto the estate or interest of the said prisoner hereby vested in the said clerk of the peace; but that the estate, interest, and all rights whatsoever of every such other person or persons as aforesaid shall remain and continue in the same manner, as if this act had not been made.

V. Provided also, and be it enacted by the authority aforesaid, That where any rent, not exceeding one years rent, shall be due to any person or persons from any such prisoner or prisoners at the time of his or their respective discharges, or in respect of any messuage, lands, or tenements, then in lease to such prisoner or prisoners respectively for life or lives, for years, at will or otherwise, no goods or chattels then lying or being in or upon the respective tenements so in lease, or lyable to be distrained, shall be assigned by the clerk of the peace in manner aforesaid; but shall by such clerk of the peace be transferred to such landlord or landlords, or some person or persons intrusted for him or them respectively, towards satisfaction of the rent then due, not exceeding one years rent as aforesaid; unless the person or persons, to whom such assignment shall be made by such clerk of the peace, shall by writing under his or their respective hands and seals before such assignment agree to pay or satisfy to such landlord or landlords the rent to him or them respectively due, not exceeding one years rent as aforesaid, to the intent that such landlord or landlords may be satisfied the rent or rents to him or them respectively due, before any division of the estate or effects of such prisoner or prisoners among his other creditors, in like manner as he or they might be satisfied the rent to him or them respectively due before the removal of such goods or chattels, by virtue of an execution by force of the several statutes made in this kingdom to prevent frauds committed by tenants; any thing herein before contained to the contrary thereof in any wise notwithstanding.

VI. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend or be construed to hinder or prevent any mortgage or mortgages upon the estate of such prisoner or prisoners, or any part thereof, to take place upon the lands, tenements, or hereditaments comprized in such mortgage or mortgages respectively, nor to prevent any statute staple, statute merchant, recognizance, or judgment acknowledged by, or obtained against, any such pri-

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soner or prisoners to take place upon the lands, tenements, or real estate of such prisoner or prisoners; and also where any inquisition shall have been taken upon such statute or recognizance, or any writ of execution shall have been taken out, and delivered to the sheriff or the proper officer upon any such judgment before such assignment made by the clerk of the peace as aforesaid, upon his or their personal estates respectively, preferably, and prior to any division of the estate and effects of such prisoner or prisoners, among his other creditor or creditors for so much as shall remain really due upon any such mortgage, statute, recognizance, or judgment respectively, in like manner as such mortgagees and creditors by statute, recognizance, or judgment, would have been preferred to other creditors of an inferior nature, against the real or personal estate of such prisoner and prisoners respectively, if this act had not been made; any thing herein before contained to the contrary hereof in any wise notwithstanding.

VII. And be it further enacted by the authority aforesaid, That the justice or justices, who shall grant such warrant or warrants for bringing such prisoner or prisoners before the justices at the general or quarter-sessions, shall give a writing, importing notice to all the creditors of such prisoner or prisoners petitioning as aforesaid under his or their hands and seals that he or they hath or have granted such warrant, and that the said prisoner or prisoners have or hath petitioned to be discharged, and the said notice shall be left for or served upon the person or persons, his or their executors or administrators, or some or one of them, or his or their attorney or agent lawfully authorized, or the same, or a true copy thereof, shall be left at the dwelling-house or usual place of abode of the said person or persons, or with the attorney, solicitor, or agent last employed in the cause or causes by the said plaintiff or plaintiffs, at whose suit the prisoner or prisoners shall be imprisoned; and every prisoner confined in prison within the city of Dublin, or weekly bills of mortality, shall cause the like notice to be given to every other creditor inhabiting or otherwise residing within the said city or weekly bills; and also that the like notice shall be given to every other creditor inhabiting or otherwise residing within ten miles of the prison, where such prisoner shall be in custody; which said notice shall be left with or served on the person or persons as before directed thirty days before such general or quarter-sessions appointed by the said warrant; and publick notice shall also be inserted in the Dublin-Gazette published by authority, containing the name, trade, or occupation, and last place of abode of every prisoner, and of the prison wherein he or she is confined, and of his or her intention to take the benefit of this act (for which there shall be paid two pence for each name, and no more) thirty days before such general or quarter-sessions appointed as aforesaid by the said warrant, so that as well all the said creditors, as have not charged the said prisoner or prisoners in custody, as those creditors which have, shall have sufficient notice as aforesaid, and the said prisoner or prisoners may appear before the justices at the general or quarter-sessions to be held for the same county, city, town, or liberties as aforesaid; and in case it shall be proved upon oath before the said justices, that the said notice was so served or left as aforesaid, and publick notice inserted in the Dublin-Gazette published by authority thirty days before the said general or quarter-sessions, and that the said person so petitioning was actually a prisoner as aforesaid upon the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, and shall have continued to the time of such prisoner or prisoners discharge, and the said oath taken by such prisoner be not disproved by good testimony of any credible person or persons on oath to be administered by the said justices, then the said justices in their said general or quarter-sessions, or the major, part of them being satisfied therewith, shall thereupon by order of the said sessions command the sheriff or sheriffs, goaler or goalers, or keeper of any such prison or prisons, forthwith to set at liberty such prisoner without having or taking any fee or reward, other than six pence for his or their attendance with such prisoner at such general or quarter-sessions, in order for his or her discharge; which

sum



sum of six pence such sheriff or sheriffs, goaler or goalers, keeper or keepers of such prison, are hereby authorized and impowered to receive: and take for the purposes aforesaid, and no more; which order shall be a sufficient discharge to the sheriff or sheriffs, goaler or goalers, or keeper of such prison or prisoners, and shall indemnify him or them against any escape or escapes, action or actions whatsoever, which shall or may be brought, commenced, or prosecuted against him or them by reason thereof.

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VIII. And be it further enacted by the authority aforesaid, That any court of general or quarter-sessions, which pursuant to the true intent and meaning of this act shall make any order for the discharge of any prisoner or prisoners aforesaid, shall, if required by any creditor or creditors who shall oppose such prisoners discharge, administer and give such sheriff or sheriffs, goaler or goalers, keeper or keepers of such prison or prisons, wherein the said prisoner or prisoners is or are, an oath to the effect following: (that is to say)

*I A. B. do swear, that* *was really and truly*  
*my prisoner in my custody in the prison of* *to the best of my knowledge*  
*and belief at or upon the said thirtieth day of October in the year of our Lord one*  
*thousand seven hundred and twenty nine, and from that time to the best of my know-*  
*ledge hath till this day so continued, unless out of prison by due course of law, or*  
*otherwise out of prison not exceeding ten days in the whole, betwixt the times before*  
*mentioned and the warrant or warrants of his or her detainer; and the copy or co-*  
*pies of the cause or causes now by me brought with the body of the said*  
*is the warrant of his or her detainer, and is or are a true co-*  
*py or copies, without any fraud or deceit by me, or by any other to the best of my*  
*knowledge.*

*So help me God.*

IX. Provided always, and be it enacted by the authority aforesaid, That if such person or persons, as was the sheriff or sheriffs, goaler or goalers, or keeper of such goal or prison, on the said thirtieth day of October one thousand seven hundred and twenty nine, shall not happen to be the sheriff or sheriffs, goaler or goalers, or keeper of such goal or prison at the time of making such order, that the said general or quarter-sessions, if required as aforesaid, shall administer and give to such persons, as shall be sheriffs, goaler, or keeper of such prison or prisons at the time of making such order, an oath touching the commitments or books of commitments, to the effect following: (that is to say)

*I A. B. do swear, that I have examined the commitments or books kept of or con-*  
*cerning the commitment of prisoners to the prison of* *in the*  
*county of* *and I verily believe that the said commitments or*  
*books of commitment are really true and not fictitious, nor calculated for this purpose;*  
*and by them it does appear that* *was upon the thirtieth*  
*day of October, which was in the year of our Lord one thousand seven hundred and*  
*twenty nine really and truly a prisoner in the custody of*  
*the then sheriff, goaler, or keeper of the said prison; and from that time*  
*hath so continued without fraud or deceit by me or the said*  
*or any other person or persons to my knowledge.*

*So help me God.*

X And whereas great numbers of workmen skilful in the several trades and manufactures of this kingdom, and also many able seamen and mariners, finding themselves unable to satisfy the whole of their respective debts, and dreading the miseries of a goal, have chose to leave their employments and native country, and have entered themselves in foreign service: and whereas their continuance abroad

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abroad must be of great prejudice to the trade of this kingdom: in order therefore to induce and enable such persons to return, be it enacted by the authority aforesaid, That all and every debtor and debtors; having served an apprenticeship unto, or having been for one year employed in, any trade or manufacture of this kingdom as a workman or workmen therein, or in the sea-service as a mariner or mariners, and who was or were actually beyond the seas in foreign parts on the twenty fifth day of December one thousand seven hundred and twenty nine; who shall return and surrender himself or themselves unto the Marshal, goaler, keeper or keepers of the prisons of the Four-courts or other marshalsea, or to the prison or prisons of such county or counties where such debtor or debtors last dwelt for the space of six months; which said goaler or goalers, keeper or keepers, are hereby required and impowered to receive and detain such debtor or debtors surrendering as aforesaid in order to their discharge as herein after mentioned, shall from and immediately after such surrender as aforesaid be deemed a prisoner or prisoners within, and be to all intents and purposes intitled to the benefit of, this act, and shall upon due proof of the said premises by the oath of such debtor or debtors, not disproved by any credible witness, be discharged in the same manner, as if he or they had been actually in prison on the said thirtieth day of October one thousand seven hundred and twenty nine, and continued therein as aforesaid; subject nevertheless to the same restrictions and provisions, and upon compliance with the same terms, conditions, and qualifications herein before imposed upon the said prisoners in actual custody upon the said thirtieth day of October in the said year one thousand seven hundred and twenty nine; and also subject to the terms and provisions relating to the estate and effects of such prisoners as aforesaid, excepting only such particulars thereof as require the name of a prisoner to be inserted in the sheriff's, goaler's, or keeper's list as aforesaid, or relate to the oath of such sheriff, goaler, or keeper, herein before appointed to be taken; and also so much thereof as requires notice to be served upon the person or persons, at whose suit or suits such prisoner is confined; which particulars cannot possibly be applied to the case of persons surrendering themselves as aforesaid; and also except the said oath herein before appointed to be taken by prisoners in custody upon the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, instead whereof the said person or persons so surrendering shall take an oath to the effect following; which the said justices authorized to put this act in execution are hereby required and impowered to administer in such manner, as the oaths herein before mentioned are to be administered.

*I A. B. do upon my corporal oath in the presence of Almighty God solemnly swear, protest, and declare, that I have served an apprenticeship unto  
or have been employed as a workman in the trade of  
or in manufacturing of  
or in the sea-service as a mariner, and have been so employed for the space of one year; and that on the twenty fifth day of December in the year of our Lord one thousand seven hundred and twenty nine I was actually beyond the seas in foreign parts: (viz.) at  
and that the schedule now delivered and by me subscribed doth contain to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery of all the estate, goods, and effects unto me in any wise belonging, and such debts as are to me owing, or to any persons in trust for me, and of all the securities and contracts whereby any money now is, or will, or may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any person or persons in trust for me, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses that can prove such debts or contracts; and that neither I nor any other person or persons in trust for me have land, money, stock, or any estate real or personal in possession, reversion, or remainder, other than what are in the said schedule contained, excepting wearing apparel,*

*apparel, bedding for my self and family, working-tools, and necessary implements for my occupation and calling, and these in the whole not exceeding the value of ten pounds; and that I have not directly or indirectly sold, lessened, or otherwise conveyed, disposed of in trust, or concealed all or any part of my land, money, goods, chattles, stocks, debts, securities, contracts, or estates real or personal whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted, in any wise howsoever.*

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*So help me God.*

XI. And be it further enacted by the authority aforesaid, That if any sheriff or sheriffs, goaler or goalers, or keeper of any prison, shall without just cause, to be approved by the said justices, refuse or delay to bring any such prisoner or prisoners as aforesaid, although in execution, to the said general or quarter-sessions, in order to his or her discharge, or shall neglect or refuse to make out and deliver such lists as aforesaid, or take any of the said oaths before mentioned; or shall upon any account or pretence whatsoever take or receive more, than the said sum of six pence herein before allowed for his or her attendance in order to be discharged of such prisoner or prisoners as aforesaid, or shall detain the prisoner, after he or she shall be discharged as aforesaid; or if the printer of the Dublin Gazette, published by authority, shall neglect or refuse to insert therein the name, trade, occupation, and last place of abode of such prisoner on a reasonable request and notice to him made and given for that purpose, or shall take or receive any fee or gratuity more than six pence as aforesaid for so doing; every such sheriff, goaler, and keeper of such prison and prisons, and such printer of the Dublin Gazette published by authority, shall respectively forfeit and pay to each prisoner the sum of ten pounds; which shall and may be recovered with treble costs of suit by action of debt, bill, plaint, or information, in any of the courts of Dublin, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XII. And be it further enacted by the authority aforesaid, That if any such sheriff or sheriffs, goaler or goalers, or keeper of any prison, shall in taking any of the afore-mentioned oaths swear or perjure himself, and shall be thereof lawfully convicted, such sheriff, goaler, or keeper of such prison or prisons, over and above such penalties as may be inflicted on persons convicted of perjury, shall upon every such conviction forfeit and pay the sum of five hundred pounds; to be recovered with full costs by bill, plaint, or information, or action of debt, in any of his Majesty's courts at Dublin, wherein no essoin, protection, wager of law, or other delay to be allowed; by and in the name of such persons, their executors and administrators, as shall in pursuance of this act be appointed assignees of the estate and effects of the prisoner or prisoners, for discharging of whom such perjury shall be committed; and for want of such assignees in the name or names of any other creditor or creditors who will sue for the said penalties; to be applied, one moiety to the informer or informers, and the other moiety towards satisfaction of the debts of such his creditor and creditors.

XIII. And be it further enacted by the authority aforesaid, That if any person, who now is, or was on the said thirtieth day of October one thousand seven hundred and twenty nine sheriff, goaler, or keeper of any prison, shall insert in any list or lists, delivered in as aforesaid, the name or names of any person or persons, who was or were not prisoner or prisoners actually in custody on the said thirtieth day of October one thousand seven hundred and twenty nine, or, being prisoner or prisoners on the said thirtieth day of October one thousand seven hundred and twenty nine, did not from that time actually continue such, to the time of making out and delivering such lists, according to the tenor of the said oath taken at the time of delivering in such lists, every such sheriff, goaler, or keeper, shall for every name so inserted as aforesaid forfeit and pay the sum of two hundred

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XIV. And be it further enacted by the authority aforesaid, That if any clerk of the peace shall delay or refuse to give every or any such prisoner, so discharged as aforesaid, within sixty days after his or her discharge a duplicate of his or her discharge on the payment of one shilling, or shall take more than the said sum of one shilling for such duplicate, he shall forfeit and pay to every such prisoner the sum of twenty pounds, to be ordered to be paid by the justices of the peace at their general quarter-sessions of the peace, who are hereby empowered to levy the same by distress and sale of the goods of the person so offending.

XV. And be it further enacted by the authority aforesaid, That if any prisoner as aforesaid, or any person or persons enabled to take the benefit of this act, shall forswear or perjure himself, herself, or themselves in any of the matters aforesaid, and shall be thereof lawfully convicted of wilful perjury, he or she shall be adjudged a felon, and suffer as such without benefit of clergy or of the statute.

XVI. And be it further enacted by the authority aforesaid, That no person, to be discharged by this act, shall at any time hereafter be imprisoned by reason of any judgment or decree obtained for payment of money only, or for any debt, damages, contempts, costs, sum or sums of money contracted, incurred, occasioned, owing or growing due before the said thirtieth day of October in the said year of our Lord one thousand seven hundred and twenty nine, with respect to the prisoners then actually in prison, or before the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, with respect to debtors beyond sea, upon the said twenty fifth day of December one thousand seven hundred and twenty nine, who are intitled to the benefit of this act, but that upon every arrest upon every such judgment or such decree, or for such debts, damages, contempts, costs, sum or sums of money, it shall and may be lawful for any judge of the court, where the process issued, upon shewing the duplicate of such prisoner's discharge or discharges to release and discharge out of custody such prisoner or prisoners as aforesaid, and the judge is hereby empowered so to do, so as every such prisoner or prisoners, arrested or detained upon execution or mesne process, do give a warrant of attorney to appear to every such action, and to plead thereunto.

XVII. And be it further enacted by the authority aforesaid, That if any action of escape, or any suit or action, be brought against any justice or justices of the peace, sheriff, gaoler, or keeper of any prison, for performing their office in pursuance of this act, they may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited, or discontinue his action, or verdict pass against him, or judgment upon demurrer, the defendant shall have treble costs: provided that the discharge of any person by virtue of this act shall not acquit any other person from such debt, sum or sums of money, or any part thereof, but that all others shall be answerable for the same in such manner, as they were before the passing of this act.

XVIII. Provided always, and be it enacted by the authority aforesaid, That notwithstanding the discharge of the person of such prisoner or prisoners as aforesaid, all and every debt or debts due or owing from the said prisoner or prisoners, and all and every judgment or judgments had and taken, and decree obtained against him or her, shall stand and be good and effectual in the law to all intents and purposes against the lands, tenements, hereditaments, goods and chattels of the said prisoners so discharged as aforesaid, which he, she, or they, or any other person or persons in trust for him, her, or them at the time of such discharge, hath or have, or at any time hereafter shall or may be any ways seized or possessed of, or interested in, or intitled to either in law or equity, except his, her, or their wearing-apparel, bedding for his, her, or their families, and working-tools and implements necessary for his, her, or their occupations not exceeding the value of

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ten pounds in the whole; and it shall and may be lawful to and for such creditor or creditors of such prisoner or prisoners so discharged as aforesaid, his, her, or their executors or administrators, to take out a new execution against the lands, tenements, hereditaments, goods, and chattels of such prisoner or prisoners (except as before excepted) for the satisfaction of his, her, or their debts in such sort, manner, and form, as he, she, or they might have done, if the person or persons of such prisoner or prisoners had never been taken in execution; any act, statute, law, or custom, to the contrary in any wise notwithstanding.

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XIX. Provided also, That it shall and may be lawful for any person discharged by this act, in case any *scire facias* or action of debt shall be brought against him or her upon any judgment obtained against him or her, or statute, or recognizance acknowledged by him or her, before the said thirtieth day of October in the year one thousand seven hundred and twenty nine, with respect to prisoners in actual custody upon the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, or before the said twenty fifth day of December one thousand seven hundred and twenty nine with respect to debtors beyond the sea as aforesaid, upon the said twenty fifth day of December one thousand seven hundred and twenty nine, to plead generally in discharge of his or her person or persons from execution, that he or she was actually a prisoner in such a prison at such a persons suit, on the said thirtieth day of October one thousand seven hundred and twenty nine, or was or were beyond the seas in foreign parts on the said twenty fifth day of December in the said year one thousand seven hundred and twenty nine, and was a person enabled and qualified in manner herein before mentioned to return and surrender himself, herself, or themselves, and did accordingly return and surrender himself, herself, or themselves, to such a prison on such a day, and was or were duly discharged according to this act at the general or quarter-sessions held at such time and place for such county, city, liberty, town, or place, as his, her, or their case is, without pleading any matter specially; and in case any other action or suit shall be commenced against him, her, or them, for any other debt, sum or sums of money due before the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, or the said twenty fifth day of December one thousand seven hundred and twenty nine, to plead in discharge of his or her person from execution over and above such matters as aforesaid, that such debt or sum of money (as the case shall happen) was contracted or due before the said thirtieth day of October in the said year one thousand seven hundred and twenty nine, or before the twenty fifth day of December in the said year one thousand seven hundred and twenty nine, without pleading any other matter specially; whereto the plaintiff shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing, which may shew the said defendant not to be intitled to the benefit of this act, or not duly discharged according to it, in the same manner as the plaintiff might have replied in case the defendant had pleaded this act, and his discharge by virtue of this act specially; and if the plaintiff be nonsuited, or discontinue his action, or verdict pass against him, or judgment on demurrer, the defendant to have treble costs.

XX. And be it further enacted by the authority aforesaid, That every sheriff, goaler, or keeper of any prison, shall and is hereby required to suffer in the day time any person or persons desiring the same to see and speak within some convenient room of the said prison with any prisoner or prisoners, whose names are inserted in the aforementioned list or lists or Dublin-Gazette published by authority, or either of them, or any persons surrendering themselves pursuant to this act, and also to see in the true and genuine books of the said prison the entries made of the name or names of such prisoner or prisoners, together with the name or names of the person or persons at whose suit or suits he, she, or they are detained; and if any such sheriff, goaler, or keeper, shall neglect or refuse to comply with, what is here above required, such sheriff, goaler, or keeper, shall forfeit and pay to the person so refused and aggrieved the sum of forty pounds over and above all other penalties

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penalties provided by any other former law now in being ; to be recovered with full costs of suit, by action of debt, bill, plaint, or information, in any of the courts at Dublin, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed:

XXI. And be it further enacted by the authority aforesaid, That if any prisoner, being thereunto required by any creditor, shall refuse to discover and declare the trade or occupation, and habitation or last place of abode, of the person or persons, at whose suit he or she are detained, or, being called for, shall refuse to come to the lodge of the prison where he or she is detained, shall upon proof thereof before the justices at the general or quarter-sessions be incapable of receiving any benefit by this act ; any thing herein contained to the contrary thereof in any wise notwithstanding.

XXII. And be it further enacted by the authority aforesaid, That if any sheriff, goaler, or keeper of any prison or prisons, shall make or cause to be made any false entries in any book or books belonging to the said prison, or shall prepare and keep, or cause to be prepared and kept, any false books in order for such false entries, such sheriff, goaler, or keeper, shall over and above the penalties which may be inflicted for such fraud, forgery, or corruption, forfeit and pay the sum of one thousand pounds ; to be recovered with treble costs of suit by and in the name of any person or persons, who will sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Dublin, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed:

XXIII. Provided also, and be it enacted by the authority aforesaid, That all and every prisoner and prisoners petitioning to be discharged by this act shall at the time of such petitioning leave with the justice or justices petitioned a true copy of the schedule containing his intended discovery, to be sworn unto at the general or quarter-sessions aforesaid ; which copy shall be transmitted to the respective clerks of the peace, and there to be seen without fee or reward by any creditor desiring the same.

XXIV. And be it further enacted by the authority aforesaid, That all debtors and others, who were in prison on or before the thirtieth day of October in the year of our Lord one thousand seven hundred and twenty nine in the several goals of this kingdom for want of paying their fees, rents, charges, or any other demands due to the keeper or goaler of any prison respectively, or to any other officer, and upon no other account, shall be discharged, he, she, or they taking the oath required by this act to be taken by prisoners.

XXV. Provided always, and be it enacted by the authority aforesaid, That all such fees, lodging, chamber-rent, and sums of money advanced for the necessary support of prisoners in the prison of the Four court-marshalsea in Dublin, as shall be due to Eleazer Pearson and Samuel Pearson, the marshals or keepers of the said marshalsea, shall be paid to the said marshals by such prisoner discharged by this act ; and he and they are hereby authorized and impowered to demand, receive, and take the same ; any thing in this act contained to the contrary in any wise notwithstanding.

XXVI. Provided always, That this act shall not extend to discharge any person out of prison, who shall stand charged at the suit of the crown, or indebted to any one person in the sum of four hundred pounds besides interest and costs, if any such creditor, to whom the sum of four hundred pounds or more shall be owing, shall oppose the discharge of such prisoner, and shall insist that such prisoner be continued in goal, and that then and in such case such creditor or creditors, opposing the said prisoner's discharge as aforesaid, shall at his, her, and their proper costs and charges allow and pay such a weekly maintenance to the said prisoner, not exceeding two shillings and four pence *per* week, in such manner as the said justices in the general quarter-sessions shall order and appoint ; and upon nonpayment of the same for the space of six weeks the said prisoner upon application to the

the said justices in their general quarter-sessions shall be discharged pursuant to the intent and meaning of this act.

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XXVII. Provided also, That every person or persons, intitled or to be intitled to the benefit of this act, shall obtain their respective discharges on or before the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty two, or be for ever excluded from all benefit thereof.

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XXVIII. And whereas several persons, who were confined in prison on the thirtieth day of October one thousand seven hundred and twenty nine, may have been removed to some other prison by process of law : be it enacted by the authority aforesaid, That if the goaler of the prison, wherein any such prisoner was confined on the said thirtieth day of October, shall make affidavit of such confinement and the continuance of it until the removal to such other prison as aforesaid, and shall transmit such affidavit to be attested on oath at the sessions, where such prisoner may claim to be discharged, and if the goaler of the prison, whereto such prisoner may have been or shall be removed as aforesaid, shall make oath in open court at such sessions as aforesaid of the confinement of such prisoner in the said prison, from the time of his or her being brought thither by process of law as aforesaid to the time of the sessions when such prisoner may claim to be discharged as aforesaid, it shall and may be lawful for the justices of the peace at such sessions as aforesaid upon such oaths as aforesaid, and upon such prisoners performing all other matters required by this act, to discharge such prisoner as effectually, as if he or she had been confined in one and the same prison, such prisoner swearing to his confinement in two prisons as aforesaid ; any thing in this act to the contrary notwithstanding.

XXIX. And whereas the prisoners of the Four court-marshalsea, being the prison belonging to the superior courts, for the most part contain such prisoners, as have brought themselves thither by *habeas corpus* from other prisons, or have surrendered themselves into custody in discharge of their bail, which could not be done without their own consent and procurement : be it therefore enacted by the authority aforesaid, That every person, so coming to the said prison either by *habeas corpus* or voluntary surrender in discharge of bail, and being qualified to take the benefit of this act in all respects according to the true intent and meaning thereof, shall be discharged, or intitled to any other benefits arising thereby, on taking the oath that is herein prescribed for each prisoner to take, omitting only the words without my consent or procurement, and with respect to their being a prisoner or prisoners in either of the prisons above mentioned only ; any thing herein contained to the contrary notwithstanding.

XXX. And whereas it may happen, that several persons, who may claim and be intitled to the benefit of this act, are seized of an estate tail in any freehold or copyhold, lands, tenements, or hereditaments, which intail with the remainders thereupon expectant they have by law power to defeat and barr either by levying a fine or fines, suffering a common recovery or common recoveries, or by surrender or surrenders thereof, and thereby such person or persons said freehold or copyhold, lands, tenements, and hereditaments, should be liable to the payment of their debts, and be delivered up according to the terms of this act for the benefit of their creditors : be it therefore enacted by the authority aforesaid, That in every such case such person or persons so seized as aforesaid, and who shall be intitled unto, and claim the benefit of, this act, shall to all intents and purposes whatsoever in the law be deemed and taken, and is and are hereby declared, to be seized of such lands, tenements, and hereditaments, in fee simple, and the same shall be delivered up to the creditor or creditors in the same manner, as if such person or persons had actually levied a fine or fines, suffered a common recovery or recoveries, or made a surrender or surrenders thereof, and thereby had become seized in fee simple ; any law, or construction of law, to the contrary thereof in any wise notwithstanding.

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XXXI. And



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XXXI. And whereas many prisoners, who may be intitled to and may claim the benefit of this act, have been great dealers, or other ways engaged in large transactions, whereby they may be intitled to sundry and great debts and demands of various and intricate natures, or they may be intitled to equities of redemption of estates subject and lyable to mortgages, judgments, or other incumbrances, or to reversions, remainders, or other contingent estates in lands, tenements, or hereditaments, or to other trusts or interests in estates both real and personal, which may not be sufficiently described or discovered in the schedule or inventory before directed to be delivered in upon oath by the prisoner to be discharged as aforesaid, or which may want his aid or assistance to adjust, make out, recover, or manage for the benefit of the creditors: be it therefore provided and enacted by the authority aforesaid, That it shall and may be lawful to and for the respective assignees of the estate and effects of such prisoner or prisoners, who shall obtain his, her, or their discharge in pursuance of this act, or any other person or persons duly authorized by them for that purpose, from time to time to apply to any two or more of the justices of the peace for the county, city, town, or liberty, where such prisoner or prisoners shall be then residing, thereby desiring that such prisoner or prisoners may be further examined as to any matters or things relating to his, her, or their estate or effects: whereupon such justices shall send for or call before them such prisoner or prisoners by such warrant, summons, ways, or means, as they shall think fit, and upon such prisoners appearing shall examine him, her, or them, as well upon oath as otherwise as to such matters and things as such assignees shall desire, relating to the estate or effects of such prisoner or prisoners; and if any such prisoner or prisoners on payment or tender of payment of such reasonable charges, as such justices shall judge sufficient, shall neglect or refuse to come and appear, not having a lawful excuse, to be made known to such justices, and by them allowed, or, being come before them, shall refuse to be sworn, or to answer to all such questions as by such justices shall be put to him or them relating to the discovery of his, her, or their estate or effects, so vested or intended to be vested in such clerk of the peace, or in such assignees as aforesaid, that then it shall and may be lawful to and for such justices by warrant under their hands and seals to apprehend such prisoner or prisoners so offending as aforesaid, and him or them to commit to the county goal, there to remain without bail or mainprize until such time as he or they shall submit him, her, or themselves to such justices, and answer upon oath to all such questions, as shall by such justices be put to him, her, or them, for the purposes aforesaid.

XXXII. And be it further enacted by the authority aforesaid, That all and every person or persons, who shall within twelve months after the discharge of any such prisoner or prisoners voluntarily come in and make a discovery of any part of such debtor or debtors real or personal estate, as shall be comprized in such schedule as aforesaid, before any such justice or justices as aforesaid, shall be allowed after the rate of twenty *per cent.* out of the neat produce of such debtor or debtors estate, which shall be recovered on such discovery, and which shall be paid such person or persons so discovering the same by the creditor and creditors, who shall receive and be intitled to any benefit and advantage by such discovery.

XXXIII. And whereas great numbers of seamen, sailors, mariners, and other poor people, have been committed for small debts to the city marshalsea-prison and other prisons in the city of Dublin since the said thirtieth day of October one thousand seven hundred and twenty nine, and if they are detained there, their families will become chargeable to the parishes, to which they belong, and, in case they are not relieved by this act, must perish, no allowance being made by the said prisons to support them therein: be it therefore enacted by the authority aforesaid, That all and every prisoner and prisoners, who hath or have been committed to the marshalsea and prisons of the said city of Dublin or liberties thereto adjoining since the thirtieth day of October one thousand seven hundred and twenty nine, and on or before the twenty fifth day of December in this present year of our Lord one thousand seven hundred and twenty nine, for any sum not exceeding twenty five pounds



pounds besides costs of suit, shall be intitled to have the benefit of this act, and be discharged thereby, provided he, she, or they, conform to the directions therein prescribed, except as to that part of the oath which relates to the time of imprisonment; any thing herein contained to the contrary notwithstanding.

XXXIV. Provided always, and be it further enacted by the authority aforesaid, That notwithstanding the discharge of any prisoner or prisoners by virtue of this act, if it shall hereafter appear the same was obtained fraudulently, the same shall be void and of none effect.

XXXV. And be it enacted by the authority aforesaid, That cornet Maurice Wemys, now a prisoner in the said Four-court marshalsea in the city of Dublin, shall be intitled to have the benefit of this act, and be discharged thereby, provided he conforms to the directions therein prescribed, except as to that part of the oath which relates to the time of imprisonment; any thing herein contained to the contrary notwithstanding.

XXXVI. And to the intent and purpose that the estate and effects of such prisoner or prisoners, as shall be discharged by virtue of this act may be truly and faithfully applied for the benefit of his, her, or their real creditors: be it enacted by the authority aforesaid, That it shall and may be lawful to and for the respective courts at Dublin, from whence any process issued, upon which such prisoner or prisoners was or were committed, whose effects are so assigned, or, where the process issued out of any other court, to and for the judges of the courts of King's-bench, Common-pleas, and Exchequer, or any two of them, from time to time upon the petition of any creditor or creditors of such prisoner or prisoners complaining of any insufficiency, fraud, mismanagement, or other misbehaviour, of all or any of the assignees, to whom the estates or effects of such prisoner or prisoners shall be assigned by such clerk of the peace as aforesaid, upon hearing the parties concerned therein to make and give such orders and directions therein, either for the removal or displacing of such assignee or assignees, and the appointing any new assignee or assignees in the place or stead of the assignee or assignees so to be removed or displaced, or for the prudent, just, and equitable management or distribution of the said estates and effects for the benefit of the respective creditors, as the said court or judges respectively shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing of any such new assignee or assignees, the estate and effects of such prisoner or prisoners shall from thenceforth be divested out of the said assignee or assignees so removed or displaced, and be vested in and delivered over to such new assignee or assignees in the same manner, and for the same ends, intents, and purposes, as the same were before vested in the assignee or assignees as aforesaid; any thing in this act contained to the contrary notwithstanding.

XXXVII. Provided always, and be it enacted by the authority aforesaid, That in all and every case or cases, where mutual credit hath been given between any prisoner or prisoners to be discharged in pursuance of this act and any other person or persons, or body politick or corporate, before the delivery of such schedule or inventory of the estate and effects of such prisoner or prisoners upon oath as aforesaid, then and in every such case the respective assignees of such prisoner or prisoners shall and have hereby power on their part to state and allow an account between them, and nothing more shall be deemed to be vested in such clerk of the peace or such assignees as the estate or effects of such prisoner or prisoners, than what shall appear to be due to him, her, or them respectively for the ballance of such account, when truly stated.

XXXVIII. Provided also, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend unto the release or discharge of Thomas Grace, now in custody of the marshal of the Four-courts Dublin at the suit of the executors of Henry Lutterell esquire, deceased; but that he the said Thomas Grace shall be and continue in goal or safe custody, as if this act had never been made.

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XXXIX. And whereas Henry Burrows of the city of Dublin, merchant, now a prisoner for debt in the Four-court marshalsea, is indebted to no one person in above the sum of four hundred pounds, save only to James Mead, the surviving partner of George Curtis late of the said city, banker, who does not oppose the said Henry Burrows being included in this act, within the intention of which the said Henry in all other respects appears to be: be it therefore enacted by the authority aforesaid, That the said Henry Burrows, notwithstanding he does or may owe above the sum of four hundred pounds to the said James Mead, shall to all intents, constructions, and purposes, be deemed and taken to be within the intention and meaning of this act, and be intitled to have the benefit thereof, and to be discharged thereby, provided he conforms to the directions herein prescribed, and shall have and enjoy all such priviledges, benefits, and advantages, and be subject to such conditions, forfeitures, and penalties, as other debtors, who owe not above the sum of four hundred pounds to any one person, are or ought to have and enjoy, or be subject or lyable unto by virtue of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

## C H A P. XXI.

*An act for cleansing the ports, harbours, and rivers of the city of Cork, and of the towns of Gallway, Sligoe, Drogheda, and Belfast; and for erecting a ballast-office in the said city, and each of the said towns.*

6 Anne 20.  
6 G. I. 15.  
10 G. I. 3.

Mischiefs by  
irregular tak-  
ing up and  
throwing out  
ballast,

to preserve  
navigation of  
said ports,

WHEREAS the preservation of the trade of the city of Cork, and of the towns of Gallway, Sligoe, Drogheda, and Belfast, is of great importance as well to his Majesty's revenue as the good of the whole kingdom: and whereas the navigation of the ports belonging to the said city and towns hath been of late much more than heretofore obstructed, and the several harbours and channels belonging to the said city and towns are become extreamly shallow, by which means voyages have been prolonged, to the very great prejudice of trade, and his Majesty put to extraordinary expence and charges in keeping officers longer on board the vessels trading to and from the said city and towns, than would have been needful, had the said several harbours and channels been preserved in the same condition, they formerly were; which mischiefs have been principally occasioned by the licentious and irregular taking up and throwing out of ballast, and breaking the banks of the channels, for want of proper laws for regulating how and in what manner the shipping resorting to the said ports should demean themselves in relation to their throwing out and taking in of their ballast: to the end therefore that the navigation of the ports belonging to the said city and towns by clearing and deepning the said harbours and channels for the future may be preserved and secured; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and

and by the authority of the same, That it shall and may be law-  
ful to and for the mayor, sheriffs, and commonality of the city  
of Cork, the mayor, sheriffs, free burgesſes, and commonality of  
the town and county of the town of Gallway, the provost, bur-  
gesſes, and freemen of the town of Sligoe, the mayor, sheriffs,  
burgesſes, and commons of the town and county of the town of  
Drogheda, and the ſovereign and free burgesſes of the town of  
Belfast, ſeverally and reſpectively at any time after the twenty  
fifth day of April, which ſhall be in the year of our Lord one  
thouſand ſeven hundred and thirty, to erect in the ſaid city o  
Cork, and in each of the ſaid towns of Gallway, Sligoe, Dro-  
gheda, and Belfast, one office; which ſaid offices from thenceforth  
ſhall be ſeverally and reſpectively called and known by the names  
of the ballaſt-offices of the ſaid city and towns: (that is to ſay)  
that erected in the ſaid city of Cork by the name of the ballaſt-  
office of the port of Cork, and ſo of the ſaid towns reſpectively;  
to the end that all ſhips, which ſhall thenceforth reſort to the ports  
or harbours of the ſaid city and towns, may be furniſhed with bal-  
laſt by the ſaid offices reſpectively, and not otherwiſe; and which  
ſaid offices, from the time they ſhall be ſo erected as aforeſaid, ſhall  
always be under the government, inſpection, and direction of the  
mayor, ſheriffs, and commonality of the ſaid city of Cork; the  
mayor, ſheriffs, free burgesſes, and commonality of the ſaid town  
and county of the town of Gallway, the provost, burgesſes, and  
freemen of the ſaid town of Sligoe, the mayor, ſheriffs, burgesſes,  
and commons of the ſaid town and county of the town of Dro-  
gheda, and the ſovereign and free burgesſes of the town of Belfast,  
ſeverally and reſpectively; who are hereby ſeverally and reſpectively  
conſtituted and ordained keepers and conſervators of the ſaid ſeveral  
rivers and ports of Cork, Gallway, Sligoe, Drogheda, and Belfast,  
by the names of their ſeveral incorporations, and ſeverally and  
reſpectively impowered to make ſuch orders, rules, and by-laws,  
for the well government of the ſaid ſeveral offices; and for the  
cleanſing of the ſaid harbours and channels; and for ſecuring all  
ſhips that ſhall come into the ſaid ports; as ſhall from time to time  
be approved, ratified; and confirmed by the lord lieutenant, or  
other chief governors of this kingdom for the time being, and  
fix or more of the privy-council of the ſame.

*Ballaſt-offi-  
ces ſhall be e-  
rected in ſaid  
places, by and  
under govern-  
ment of the  
reſpective cor-  
porations.*

*Conſerva-  
tors of the ri-  
vers and ports,*

*who may  
make by-laws,  
confirmed by  
chief gover-  
nors, &c.*

II. And be it further enacted by the authority aforeſaid, That  
the mayor, ſheriffs, and commonality of the ſaid city of Cork, the  
mayor, ſheriffs, free burgesſes, and commonality of the ſaid town  
and county of the town of Gallway, the provost, burgesſes, and  
freemen of the ſaid town of Sligoe, the mayor, ſheriffs, burgesſes,  
and commons of the ſaid town and county of the town of Dro-  
gheda, and the ſovereign and free burgesſes of the town of Belfast,

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ſhall

A. D. shall severally and respectively within their several ports provide  
 1729. a sufficient number of lighters, boats, or gabbarts, together with  
 Chap. 21. workmen, tools, and engines, for the raising the ballast in any  
 parts of the channels or rivers of the said harbours or ports, that  
 shall be by them respectively judged expedient; within the verge or  
 verges of the counties of the said city and towns respectively, or  
 the extent of their respective authorities; and shall furnish all  
 ships within the said ports with ballast at the rates herein after  
 mentioned within twenty four hours after notice given by the  
 commanders or masters of the said ships to the proper officers at  
 the said several ballast offices, for that purpose to be appointed to  
 receive such notifications, so as wind and weather will within that  
 time permit them; and in case wind and weather will not then  
 permit them so to furnish ballast, then within twelve hours after  
 wind and weather will permit: provided always that the Lord's-  
 day, commonly called Sunday, shall not be accounted any part  
 of the twenty four hours or twelve hours aforesaid: the said  
 ballast to be brought to the sides of the ships that shall have  
 occasion for the same, and thence immediately thrown into such  
 ship or ships by the crews of the said ships respectively.

III. And to the end that the said lighters, boats, or gabbarts,  
 be no longer detained, than shall be necessary; be it enacted by  
 the authority aforesaid, That in case the crew of the said respec-  
 tive ships shall neglect or refuse to cast in or cast out their ballast,  
 so as to occasion any unreasonable or unnecessary delays therein,  
 that then and in such case the commander or master of each ship  
 respectively so delaying shall pay or cause to be paid to the master  
 of the ballast-office for the time being for the damage, which the  
 said ballast-office shall thereby sustain, such sum or sums of mo-  
 ney as the chief magistrate of such of the said city or towns, where  
 such delay shall happen to be given, shall in a summary way finally  
 judge and determine; so as that the said sum do in no case exceed  
 one shilling for each hour, each lighter shall be unnecessarily de-  
 tained by the neglect or default of such commander or master, or  
 by the neglect or default of the crew of such ship or ships as  
 aforesaid.

IV. And be it enacted by the authority aforesaid, That every  
 ship belonging to Great Britain or Ireland, that shall take in any  
 ballast in any of the ports aforesaid, shall pay or cause to be paid  
 to the officer appointed to keep the ballast-office in such port as  
 aforesaid, or his or their deputy or deputies, the several sums fol-  
 lowing: (that is to say) in the said port of Cork, the sum of six  
 pence *per* tun for every tun of ballast so delivered at or above the  
 castle of Black-Rock; and for each tun delivered below the Black-  
 Rock, nine pence *per* tun; and for every tun of ballast so deli-  
 vered

and provide  
boats, work-  
men, and tools  
to raise ballast  
in any parts of  
the channels  
within verge  
of their au-  
thority,  
and furnish  
ships in 24  
hours after  
notice, or 12  
hours after  
wind and wea-  
ther permit.

Sunday not  
accounted:  
brought to  
ships sides, and  
immediately  
thrown in by  
the crews.

If lighters  
unnecessarily  
detained, mas-  
ter of the ship  
shall pay to  
the office, as  
determined  
summarily by  
chief magi-  
strate,

not above  
1 s. *per* hour  
each lighter.

British or  
Irish ships shall  
pay ballast  
officer 6 d. *per*  
tun, but if de-  
livered below  
Black-Rock in  
port of Cork,  
9d.

vered in any part of any of the said other ports, the sum of six pence, and no more; and all and every ship or ships belonging to foreigners shall pay for ballast in every of the said ports one third part more *per* tun, than what is aforesaid charged on British or Irish ships.

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Chap. 21.

Foreigners  
1 third more.

V. And in regard the mending or cleansing of the said several harbours and channels will be of great use to all ships, which shall come into the said ports, and to all lighters, boats, gabbarts, and wherries within the said ports, and that a great and constant expence will be requisite to carry on the said several works in the said several ports: be it enacted by the authority aforesaid, That from and after the said several ballast-offices shall be erected as aforesaid in the said several ports, or in any of them, all British and Irish ships, which shall come into any of the said ports, where such ballast-office is or shall be erected and kept up (ships in his Majesty's, his heirs and successors, pay, and ships, that neither load or unload in any of the said ports, only excepted). shall pay unto the said office one penny *per* tun for every tun of the burthen of such ship or ships over and above the money payable for ballast as aforesaid, in case that they make use thereof; and every foreign ship coming within any of the said ports shall pay one penny halfpenny *per* tun over and above the ballast money, if they have any ballast delivered them in such port; which tunnage, as well in British and Irish ships as in foreign ships, shall be computed by outward gauging of the said ships respectively, and not otherwise; and the master of such ballast-office for the time being, and all and every other officer and officers for that purpose as aforesaid appointed or to be appointed, is and are hereby impowered to make such outward gauge of all and every such ship and ships, as shall come into or go out of any of the said ports from time to time, as they shall see occasion for the doing thereof; provided always that no such British or Irish ship or vessel of what burthen soever shall at any one time pay more in the whole for such tunnage than twenty shillings, nor any foreign ship of any burthen more than one pound ten shillings.

British and  
Irish ships (ex-  
cept in the  
King's pay, or  
that neither  
load or unload  
there) shall  
pay tunnage  
besides 1 d. *per*  
tun; but not  
more in the  
whole at one  
time than 20s.

Foreigners  
one penny  
halfpenny,  
but not more  
than 1 l. 10 s.

computed  
by outward  
gauging.

VI. And be it enacted by the authority aforesaid, That from and after the erection of such ballast-offices all lighters, boats, gabbarts, hookers, and wherries, which shall be usually employed in any of the said ports, where such ballast-offices shall be erected as aforesaid, shall pay, and their respective proprietors and owners shall be charged with the payment of, the respective sums of money herein after mentioned to such ballast-office; (that is to say) for every wherry, boat, and hooker, two shillings and six pence fine, and two shillings and six pence *per annum* during the time such wherry, boat, or hooker, shall be kept on any of the

Wherries,  
boats, and  
hookers shall  
pay 2s. and 6d.  
fine, and 2s.  
and 6d. *per*  
*ann.*

said

A. D. 1729. Chap. 21. said rivers, ports, or harbours; and every gabbart and lighter, other than the gabbarts, lighters, and boats belonging to such ballast-office, five shillings fine, and five shillings *per annum* for and during the time that such gabbart, lighter, or boat shall be kept on any of the said rivers, ports, or harbours; and, in case of non-payment of the said respective sums hereby charged, it shall and may be lawful to and for the master of the ballast-office, or his deputy or deputies, in any of the said ports where such default or payment shall be, to enter into any wherry, hooker, gabbart, lighter, or boat charged with the payment of the said sums, or any of them, and to distrain the sails, oars, tackles, apparel, and furniture of every such wherry, boat, hooker, gabbart, and lighter, or any part thereof, and the same to detain and keep until he or they be satisfied and paid such sum and sums of money charged on such wherry, hooker, gabbart, boat, or lighter as aforesaid, and every of them; and in case of neglect or delay of or in payment of the said sum or sums of money, or any part thereof, by the space of ten days after any distress or distresses so taken as aforesaid, that then it shall be lawful to and for such master of such ballast-office, his deputy or deputies, and every or any of them, to sell the said distress or distresses so taken, and therewith to satisfy him and themselves as well for and concerning the duty so neglected or delayed to be paid, and for which a distress shall be so taken as aforesaid, as also for his and their reasonable charge in the taking or keeping of such distress or distresses, rendring the overplus (if any arising by such sale) to the person or persons who shall work, sail, or ply in such wherry, hooker, boat, gabbart, or lighter, for the use of the several and respective proprietors.

Gabbarts  
and lighters  
(except those  
of ballast-  
office) 5s. fine,  
and 5s. *per*  
*ann.*

Ballast master  
may enter for  
non-payment,  
and distrain  
sails, oars,  
&c. and sell  
in 10 days.

Revenue  
officers shall  
not clear out-  
wards, with-  
out discharge  
from ballast-  
master of all  
said duties:

Ballast-master  
delaying  
discharge,  
Penalty 40 s.  
before chief  
magistrate.

VII. And to the end that the said respective duties hereby made due and payable for ships as aforesaid may be more effectually levied and paid; be it further enacted by the authority aforesaid, That it shall not be lawful to or for the officers of his Majesty's revenue, or any of them, in the said ports, or any of them, to clear or discharge any ship or ships outward bound, or to permit any ship or ships outward bound to sail, or to permit any ship or ships above the burthen of thirty tuns, to be measured as aforesaid, to sail coast-ways, until the commander or master of such ship or ships shall have brought a discharge from the master of the ballast-office or his deputy, testifying such ship or ships to have paid and cleared their ballast money in case they took in ballast, and likewise all and singular the duties hereby as aforesaid imposed; which discharge shall be immediately granted without fee or reward, fraud or delay; and in case of refusal or delay then the master of the ballast-office or his deputy so refusing or delaying shall forfeit forty shillings for every such refusal or delay to  
the

the master of such ship, to be recovered in a summary way before A. D. the chief magistrate of such of the said city or towns, where the 1729. same shall happen, to be levied by distress by warrant under the Chap. 21. hand and seal of such chief magistrate, and by sale of the goods and chattels of the master of the said office.

VIII. And be it further enacted by the authority aforesaid, That all and every sum and sums of money arising, growing due, or levied from time to time by force and virtue of this act, incident charges, salaries, and necessary expences of the said several and respective ballast-offices being first paid and deducted, shall from time to time be employed in amending and cleansing the said several harbours, rivers, and ports respectively; and in case there shall be any overplus remaining, the same shall be applied to the erecting and supporting a work-house or work-houses to promote the linnen manufactory in such of the said ports, as shall have any such remaining overplus.

All money levied, deducting charges, employed in amending the said harbours:

Overplus for a work-house there.

IX. And to the end that the same may be effectually done; be it enacted by the authority aforesaid, That the mayor, sheriffs, and commonality of the said city of Cork, the mayor, sheriffs, and free burgesses and commonality of the town and county of the town of Galway, the provost, burgesses, and freemen of the town of Sligo, the mayor, sheriffs, burgesses, and commons of the town and county of the town of Drogheda, and the sovereign and free burgesses of the town of Belfast, shall once in every three years respectively lay before the lord lieutenant, or other chief governor or governors, and the privy council of this kingdom, a true and perfect account of the annual produce of the said respective sums of money as aforesaid charged, and also how the same have been applied; which account shall be upon oath of the officer or officers concerned in the receiving or paying thereof (if so be, that they shall be thereunto required) and the said officer and officers so employed in receiving or paying the same shall likewise every Lent assizes return his and their accounts upon oath before the going judge or judges of assizes of the several counties, wherein the said ports respectively lye; and in case any of the persons aforesaid shall neglect or refuse to account according to the meaning of this act, he or they for every such neglect or refusal shall forfeit the sum of one hundred pounds *sterling*, to be recovered by any person who shall sue for the same in the courts of King's bench, Common-pleas, or court of Exchequer, by bill, plaint, or information, in which no essoign, nor any more than one imparlance shall be allowed; and the same shall be tried by a jury of the county of Dublin; one half thereof to be given to the informer, and the other half to be applied to the erecting or support of such work-house or work-houses for the linnen manufactory,

Said corporations shall once in 3 years lay before chief governors and council account of produce, and how applied;

on oath of the officer, if required,

Account also on oath every Lent assizes.

Penalty for not accounting 100 l.

by a jury of county of Dublin, to informer, and the work-house in such port.

A. D. 1729. factory in such of the said ports, as the said forfeitures shall be incurred in as aforesaid.

Chap. 21. X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the mayor, sheriffs, and commonality of the city of Cork, the mayor, sheriffs, free burgesses, and commonality of the town and county of the town of Galway, the provost, burgesses, and freemen of the town of Sligo, the mayor, sheriffs, burgesses, and commons of the town and county of the town of Drogheda, and the sovereign and free burgesses of the town of Belfast respectively from time to time for ever hereafter to nominate, constitute, and appoint such officers, as they shall think fit and proper, for the execution of the several branches of the said ballast-offices, and to establish such salaries and allowances to them, and every of them, as they shall respectively judge meet and reasonable, out of the produce of the duties herein before vested in the said officers, and the same to increase or diminish as they shall respectively see cause, so as the same from time to time shall be ratified, confirmed, and approved of by the chief governor or governors, and six or more of the privy council of this kingdom for the time being.

Said corporations may appoint officers and salaries,

and increase or diminish,

so as confirmed by chief governors, &c.

Throwing dirt, &c. into said rivers, or any sewer or stream,

Penalty 5 s. to prosecutor,

or, on default, to house of correction 4 days.

XI. And to the intent that no ashes, dirt, or filth, may for the future be cast into any of the rivers of the said ports, or into any of the common-sewers of the said cities or towns; be it enacted by the authority aforesaid, That every person, who shall cast, or help or assist to cast, any ashes, dirt, filth, or rubbish, into any of the said rivers, or into any sewer or stream, that empties itself into any of the said rivers, being in a summary manner thereof convicted upon oath before the chief magistrate of such of the said city or towns, where such offence shall be committed, or before any one or more of the justices of the peace of any of the counties of the said city or towns, or counties at large, for any of the crimes aforesaid committed within their respective authorities, shall forfeit for every such offence the sum of five shillings for the benefit and advantage of every such person or persons as shall and will discover and prosecute the same; which said sum of five shillings shall and may be levied by distress and sale of the goods and chattels of the offender by warrant of such chief magistrate or justice of the peace, before whom the party was convicted, returning the said party the overplus; and in case the said offender shall not have wherewithal to satisfy and pay the said sum of five shillings, that then and in such case it shall and may be lawful to and for such chief magistrate or justice of the peace respectively to send the said offender to the house of correction, to be once whipped or kept to hard labour at his discretion, so as the confine-



confinement of the offender to the said house of correction may A. D. not for any one fault exceed four days. 1729.

XII. And for the more effectual cleansing the said several har- Chap. 21. bours and rivers; be it enacted by the authority aforesaid, That all ballast, that shall be taken in any of the said ports from and after the said twenty fifth day of April one thousand seven hundred and thirty, shall be taken out of the respective channels of the said rivers, and not from any part of the strands or banks, nor carried from one ship to supply another; and that no ballast shall be thrown out of any ship or boat into any part of any of the said harbours or rivers, upon pain of the master or commander's forfeiting for every such offence the sum of twenty pounds *sterling* to the corporation, where the offence shall be committed, and for the benefit of the ballast-office of such corporation; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein there shall be no essoign, protection, or wager of law, or more than one imparlance granted.

All ballast shall be taken out of the channels.

None shall be thrown into the rivers or harbours, Penalty 20l. for the ballast-office.

XIII. And to the end that all and every of the ships resorting to the said several ports may be eased of their ballast without delay; be it enacted by the authority aforesaid, That from and after the said twenty fifth day of April one thousand seven hundred and thirty the several lighters or boats, to be employed in the said service, shall from time to time within twenty four hours after notice as aforesaid repair to such ship or ships, as shall come into any of the said ports, and thence take and receive into such lighter or lighters all such ballast, as shall be on board such ship or ships; for recompence whereof the commander or master thereof, in case the same be British or Irish ships, shall pay six pence *per* tun for every tun of such ballast; and in case the said ship or ships be foreign, then and in that case the commander or master shall pay eight pence *per* tun; and no more.

Lighters shall in 24 hours after notice repair to ships on arrival, and take the ballast:

British or Irish 6d. *per* tun, Foreigners 8d.

XIV. And be it further enacted by the authority aforesaid, That no person or persons from and after the said twenty fifth day of April one thousand seven hundred and thirty shall in any of the said ports presume to take up any ballast into his or their ships or vessels but from such persons only, as shall be thereunto appointed by virtue of this act as aforesaid, on pain of forfeiting for every such offence the sum of five pounds *sterling*; to be recovered in a summary way before the chief magistrate aforesaid for the use of the said offices as aforesaid.

No ballast taken but from the persons appointed,

Penalty 5l. to said office.

XV. And to the end that no commander or master of any ship or ships resorting to the said ports, or any of them, may have just cause of complaint that his voyage is retarded by neglect of the said officers of the said ballast-office, or that he suffers for want of removing his ballast; be it enacted by the authority aforesaid, said,

On neglect of ballast officers, master of the ship on notice thereof to chief magistrates may

A. D. said, That in case the governors or officers of any of the said  
 1729. ballast-offices or their servants shall neglect or refuse to take off  
 Chap. 21. or bring in ballast to any ship or ships within any of the said ports  
 at the respective times appointed for doing thereof as aforesaid,  
 that then it shall and may be lawful to and for the commander or  
 master of such ship or ships, at any time after notice given of such  
 neglect to the chief magistrate of the city or town for the time  
 being, to employ any other lighter or lighters, boat or boats, gab-  
 bart or gabbarts, for the doing thereof; which said lighter or  
 lighters, boat or boats, gabbart or gabbarts, so by them as afore-  
 said employed, are hereby authorized and qualified to take up so  
 much ballast in the channel or channels of the said ports or rivers  
 only, as shall be requisite for ballasting of such ship or ships so as  
 aforesaid neglected, or to carry off such ballast as shall be in such  
 ships arriving in any of the said ports, in case the master, officers,  
 or servants of such ballast-office, shall refuse or neglect the same  
 within the prescribed times aforesaid; and in every such case,  
 upon oath thereof made before the collector or chief residing offi-  
 cer of the customs of the port (which oath such collector or  
 officer is hereby impowered to administer) every such master of  
 any ship or vessel shall have his discharge and clearing<sup>s</sup> out of the  
 said port, as if he had produced such certificate from the master of  
 the ballast-office as aforesaid; and every lighter, boat, or gabbart,  
 which shall be so employed either in the loading or unloading of  
 the ballast as aforesaid on occasion of such neglect by the said  
 ballast-office, shall be exempted from the payment of any duty or  
 mulct to the said ballast-office for one year.

such lighters  
 exempt from  
 the duty 1  
 year.

Ballast office  
 lighters shall  
 not carry  
 goods,

Penalty tre-  
 ble value of  
 the portage,  
 to discoverer.

Vessels sunk  
 in said har-  
 bours or rivers,  
 and not re-  
 moved in 6  
 days, shall be  
 removed by  
 the directors,

XVI. And to the end that the said lighters, boats, and gab-  
 barts, to be employed by the said ballast-office, may give good  
 attendance to the service of the said offices; be it enacted by the  
 authority aforesaid, That no lighter or lighters, boat or boats,  
 gabbart or gabbarts, taken into the service of any of the said  
 ballast-offices, shall at any time carry any goods, wares, or mer-  
 chandizes of any sort, to or from any ship or ships in any of the  
 said harbours or ports on pain of forfeiting of treble the value of  
 the gabbarage or portage of such goods or merchandizes to the  
 party that shall discover the same; to be recovered in a summary  
 way before the chief magistrate of such of the said city or towns,  
 in the port whereof the said offence shall be committed.

XVII. And be it enacted by the authority aforesaid, That  
 whenever any ship, gabbart, or boat, shall by decay, accident, or  
 otherwise, be sunk in any part of any of the said harbours or  
 rivers, if the owners of such ships, gabbarts, or boats, do not re-  
 move them in six days after such sinking, the directors of the said  
 ballast-office of such port, where such ship, gabbart, or boat shall  
 be

be so sunk, shall and are hereby obliged to remove such ship, gabbart, or boat, so sunk, to clear the navigation of the said river; and in case the owners of such ship, gabbart, or boat, within six days after the said ship, gabbart, or boat, shall be so removed, shall neglect or refuse to pay such costs and charges, as the said ballast-office shall be put to on account thereof, that then the directors of such ballast-office shall and may sell the same at publick cant to the highest bidder; which sale shall be good and conclusive to all parties; and out of the money arising by such sale deduct the charge and expence they shall be put to on account of removing such ship, gabbart, or boat, rendering the overplus to the owner.

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and if the charges not paid in 6 days, may be sold at publick cant, rendering overplus to owner.

XVIII. And be it enacted by the authority aforesaid, That the directors of the said several ballast-offices shall within the space of one month after their entrance into the said offices respectively place good and substantial perches at due distances on both sides of the channels of the said ports from the mouths or entrances of the harbours of the said ports to the said cities and towns respectively, and the same shall carefully preserve and keep up from time to time for the direction of ships, on pain of forfeiting for every wilful neglect the sum of five pounds; to be recovered in a summary manner before the chief magistrate of the city or town, in the port whereof the said offence shall be committed as aforesaid, by such person or persons as shall sue for the same.

Directors in a month shall place perches on both sides from entrance of the harbour, and preserve them,

Penalty 5 l. to prosecutor.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue of or in pursuance of this act, or any of the clauses therein contained, such person and persons shall and may plead the general issue, and give this act, (which shall be deemed a publick act in all courts of justice) and the special matter in evidence for his, her, or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or if judgment shall be given against him or them upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him, her, or them, to be awarded against such plaintiff or plaintiffs, for which such defendant or defendants shall have like remedy as in other cases, where costs are given by law to defendants.

This a publick act; and persons sued for acting may plead general issue, &c. and have treble costs.

XX. Provided always, That this act shall not be construed to give the said corporations, or any of them, any further or greater franchise than they already have by charter, other than to enable them to execute this act.

Not to give a greater franchise to said corporations.

XXI. And saving and reserving to all persons whatsoever, their several and respective rights and titles, which they or any of them

A. D. have by law to any lands, flabs, strand, or wyers, lying within the said ports or harbours; and also to their several royalties and fisheries within the said ports and harbours, or any of them.

Saving royalties, fisheries, &c. in said harbours.

## C H A P. XXII.

*An act for explaining and amending an act made in the sixth year of the reign of his late Majesty King George the first, intituled, An act for erecting and continuing lights in the city of Dublin, and the several liberties adjoining; and also in the cities of Cork and Limerick, and liberties thereof.*

Continued  
11 G. 2. 19.  
for 21 years,  
&c. 21 years;  
by 15 G. 2. 11.  
1 G. 3. 17.  
continued as to  
liberties of  
Sepulchres,  
Thomas-court,  
and Donore,  
21 years, &c.  
from 1 May  
1763.  
33 G. 2. 18.

Recital of  
6 G. 1. 18.

Doubts  
thereupon.

4 lamps on  
bridges in  
Dublin; 2 on  
each side

WHEREAS by an act made in the sixth year of the reign of his late Majesty King George the first, intituled, *An act for erecting and continuing lights in the city of Dublin, and the several liberties adjoining; and also in the cities of Cork and Limerick, and liberties thereof*; it was enacted, "That there should be lamps fixed on the several bridges in the city of Dublin, as directed by the said act:" and whereas by the said act it is further enacted, "That if the persons thereby appointed should be negligent in performing their duties in maintaining the lights and snuffing them, and cleansing the glaſs of the lanthorns, as they ought, according to the true intent and meaning of the said act, they should forfeit for every such default or neglect the sum of two shillings and six pence, each night the same were to be lighted;" all which said lights by the intent of the said act were to be kept up and maintained with a sufficient quantity of rape-oyl of the produce of this kingdom: and whereas it has been doubted, how or in what manner the lanthorns or lamps by the said act appointed to be placed on the said bridges in the city of Dublin should be placed; and it being also doubted, what should be deemed a default or neglect within the meaning of the said act; whether all the omissions or neglects in any one night are to be taken as one neglect or default, or each neglect or omission in one night shall be deemed and taken to be a several neglect or default: for explanation therefore and amendment of the said act in the particulars aforesaid, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That four lamps shall be set up and maintained on the body of each bridge of the said city of Dublin: (that is to say) two on each side of the said respective bridges, which said bridges are to be measured from one end to the other end of the battlements; and not further; and

and that no lamp placed opposite to any of the said bridges, or beyond the battlements of any of them, or at the end of any street or place opposite to or near any of the said bridges, be deemed or reckoned one of the four lamps to be placed on each of the said bridges; and that all the lamps in the said cities of Dublin, Cork, and Limerick, and liberties aforesaid, shall be constantly kept and supplied in manner and for the times in and by the aforesaid act prescribed with a sufficient quantity of rape-oil of the produce of this kingdom, or of the oil of sun-fish made in this kingdom, and with no other oil; and if the persons impowered by the said act to cause the said lights to be erected, their executors, administrators, or assigns, shall neglect supplying the said lamps and the lamps hereby directed to be set up on the several bridges in Dublin with a sufficient quantity of such wick, as thereby directed, or with a sufficient quantity of such oil as aforesaid, or that the persons employed by them to attend the said lamps shall be negligent in performing their duties in lighting and maintaining the several lights committed to their charge, and snuffing them, and cleansing the glass of the several lanthorns, as they ought, according to the true intent and meaning hereof and of the aforesaid act, and shall be thereof convicted in manner, as by the said act is prescribed; the persons empowered by the said act to cause lights to be set up or erected, their executors, administrators, or assigns, for every night's neglect or omission in supplying the said lamps with a sufficient quantity of wick and oil as aforesaid shall for every lamp so neglected or omitted to be supplied forfeit the sum of two shillings and six pence to him or them, that shall prosecute for the same in manner as by the aforesaid act is directed; and the person or persons by them respectively employed to light and maintain the said lights respectively, and for snuffing them, and cleansing the glass, as they ought, according to the true intent and meaning aforesaid, shall for every night's omission in lighting and maintaining the said lights, and snuffing them, according to the directions of the aforesaid act, forfeit for every light so omitted to be lighted, maintained, and snuffed, the sum of two shillings and six pence; and for omitting to cleanse the glass of the said lanthorns as often as there shall be occasion, for every night such glass is neglected to be cleansed, shall forfeit the sum of two shillings and six pence for each lanthorn so neglected to be cleansed, to him or them that shall prosecute for the same in such manner as is appointed by the aforesaid act; and in case the persons employed, or that shall be employed, to light and maintain, snuff, and cleanse the said lamps, are not able to pay such forfeitures as aforesaid, or that no distress can be found belonging to

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No lamp opposite to or beyond the battlements of bridges, deemed one of the

Lamps in Dublin, Cork, and Limerick, supplied with rape or sun-fish oil made in Ireland.

Penalty for not supplying or attending lamps, 2 s. and 6 d. every lamp every night's neglect.

and for not cleansing the glass, to prosecutor, as by said act.

On default of distress, whipt:

A. D. 1729. to them to answer the same, then such offender and offenders shall be publickly whipped by warrant or warrants of the persons respectively by the aforesaid act authorized to inflict the punishment of whipping: provided that complaint be made of such offence within three days after the same shall be committed.

Complaint  
must be in 3  
days.

## C H A P. XXIII.

*An act for finishing and regulating the hospital founded by Richard Stephens esquire, doctor of Physick.*

Recital of  
devise by Dr.  
Richard Ste-  
vens to trust-  
tees after  
death of his  
sister, to erect  
and support  
an hospital  
for the sick  
and wounded,

WHEREAS Richard Stephens late of the city of Dublin, doctor of physick, deceased, did by his last will and testament give and devise all his real estate unto his sister Grizell Stephens for and during the term of her natural life, and after her decease did will and bequeath the same unto the right honourable Robert Rochfort esquire, lord chief baron of his Majesty's court of Exchequer, the reverend doctor John Sterne, dean of Saint Patrick's, William Griffith of the city of Dublin, doctor of physick, Thomas Proby and Henry Ashton of the city of Dublin esquires, their heirs and assigns for ever, to the uses, intents, and purposes, that his said trustees, and their heirs, and the survivor of them, should with all convenient speed after the death of his said sister out of the rents, issues, and profits of his said real estate so bequeathed to them build, or cause to be built, or otherwise provide, a proper place or building within the city of Dublin for an hospital for maintaining and curing from time to time such sick and wounded persons, whose distempers and wounds are curable; and after such place shall be so provided and fit for the reception of such sick and wounded persons, then that his said trustees, their heirs or assigns, or any three or more of them, should make laws, rules, and ordinances for the good government and order of the said hospital, and should appoint from time to time such governors or other proper officers and servants, as they should think fit; and after such hospital should be erected and provided, that his said trustees and their heirs, and the survivor of them, should apply the rents, issues, and profits of his said real estate for the support and maintenance of the said hospital, and for providing proper medicines, meat, and drink, and other necessities, for such sick and wounded persons as should be brought into the said hospital, and for defraying the other necessary

cessary charges thereof: and whereas Esther Johnson of the city of Dublin spinster by her last will and testament, bearing date the thirtieth day of December one thousand seven hundred and twenty seven, did devise and direct, that the sum of one thousand pounds, part of her fortune, should be laid out by her executors in purchasing lands in the provinces of Leinster, Munster, or Ulster; which lands, or the said one thousand pounds till the said lands should be purchased, were by the said will vested in the governors of the hospital founded by Richard Stephens doctor of physick, deceased, near Saint James's-street, Dublin, and their successors for ever, in trust, that the said governors and their successors should pay the interest of the said one thousand pounds, or the rents of the said lands when purchased, half yearly to her mother and sister by even portions, and to the survivor of them during their lives, and after the decease of her mother and sister, that the interest of rents should be applied to the maintenance of a chaplain in the said hospital founded by doctor Richard Stephens, to be elected by the governors and other persons therein named, under the directions, rules, conditions, and restrictions, in the said will expressed and declared, and made and constituted the reverend doctor Thomas Sherridan of the city of Dublin, the reverend Mr. John Gratton, the reverend Mr. Francis Corbett, and John Rochfort esquire of the city of Dublin, her executors: and whereas colonel Alexander Montgomery lately deceased, did by his last will and testament bearing date the fourth day of July one thousand seven hundred and twenty seven give and devise unto John Montgomery esquire, and captain Alexander Auchinleck, and their heirs, a field and right of commonage in Dolphin's-barn, which he purchased from the executors of his father-in-law Henry Piercy esquire, to the use of the trustees of doctor Stephen's hospital or infirmary for ever, and that the said John Montgomery and Alexander Auchinleck, and their heirs, should convey the same to the trustees in doctor Stephens's will for the use of the said charity: and whereas the said Grizell Stephens, after whose decease the said hospital is directed to be built by the will of the said doctor Richard Stephens her brother, is notwithstanding desirous out of regard to his memory, and in order to see this his great charity for the wounded and distempered sooner take place, that the hospital projected by her said brother's will should with all convenient speed be erected; and she the said Grizell Stephens has for that purpose given and laid out a considerable part of the rents of her said brother's real estate, which she was intitled to, towards erecting the same; by means whereof a great progress is already made in the said work: and whereas all the said trustees

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Chap. 23.  
and by Esther Johnson to maintain a chaplain

and by Alex. Montgomery to use of said hospital.

Dr. Stephens' sister desirous to see the charity take place, has applied part towards the said work,

A. D. appointed by the said doctor Stephens's will are dead, except the  
 1729. said doctor John Sterne, now the right reverend John lord bishop  
 Chap. 23. of Clogher, whereby the charitable intentions of the said doctor  
 Richard Stephens may be rendered ineffectual, and in case of the  
 death of the said bishop of Clogher, the said estate may descend  
 to minors, or other persons not capable of executing the trust re-  
 posed in them, or answering the end and design of the said tes-  
 tator, and the whole plan proposed by the said doctor Stephens  
 may be thereby defeated: for the better carrying therefore into  
 execution the said charitable scheme, the said Grizell Stephens  
 and the said John Lord bishop of Clogher, surviving trustee in  
 the said doctor Stephens's will, are desirous that a corporation  
 should be erected by act of Parliament effectually to answer the  
 charitable intentions of the said doctor Stephens, and that the  
 real estate of the said doctor Stephens devised to the trustees be-  
 fore mentioned, and their heirs, should be vested after the death  
 of the said Grizell in the persons hereinafter mentioned, as a  
 body corporate, upon the same trusts and to the like intents and  
 purposes, and under the same rules and directions, as in and by  
 the said will of the said doctor Richard Stephens are expressed  
 and declared: and whereas the said doctor Thomas Sherridan,  
 the reverend Mr. John Grattan, the reverend Mr. Francis Cor-  
 bett, and the said John Rochfort esquire, executors of the said  
 last will and testament of the said Esther Johnson, are also will-  
 ing and consenting, that the said sum of one thousand pounds,  
 devised by her to be laid out for the purposes in the said will,  
 should be also vested in the persons herein after named as a body  
 corporate, under the same trusts, and under the like conditions,  
 rules, and directions as in her said will are mentioned and con-  
 tained; at the humble request therefore of the said Grizell Ste-  
 phens, and of the said John lord bishop of Clogher, surviving  
 trustee in the will of the said doctor Richard Stephens, and of  
 the said doctor Thomas Sherridan, the said John Gratton, Fran-  
 cis Corbett, and John Rochfort, executors of the last will of the  
 said Esther Johnson, may it please your most excellent Majesty  
 that it may be enacted, and be it enacted by the King's most ex-  
 cellent Majesty, by and with the advice and consent of the  
 lords spiritual and temporal and commons in this present Parlia-  
 ment assembled, and by the authority of the same, That from  
 and after the twenty fifth day of April one thousand seven hun-  
 dred and thirty there be and shall be a corporation to continue  
 for ever for the execution of the said last will and testament of  
 the said doctor Richard Stephens, so far forth as the same relates  
 to the said hospital, so intended to be erected as aforesaid, and to  
 answer

all the trust-  
 tees dead, ex-  
 cept Dr. John  
 Sterne.

To render  
 it more effec-  
 tual they are  
 desirous that a  
 corporation  
 should be er-  
 ected,

executors of  
 Esther John-  
 son consenting.

a perpetual  
 corporation  
 erected for ex-  
 ecution there-  
 of.



answer the several intents and purposes therein contained, or herein after mentioned; which corporation shall consist of the several persons herein after named: (that is to say) his grace the lord primate of all Ireland for the time being, the right honourable the lord high chancellor of Ireland for the time being, his grace the lord archbishop of Dublin for the time being, John lord bishop of Clogher, the chancellor of his Majesty's court of Exchequer for the time being, the lord chief justice of his Majesty's court of King's bench, the lord chief justice of his Majesty's court of Common pleas, the lord chief baron of his Majesty's court of Exchequer, all for the time being, the respective deans of Christ-church and Saint Patricks, Dublin, for the time being, the provost of Trinity-college near Dublin for the time being, the right honourable Frederick Hamilton esquire, the right honourable doctor Marmaduke Coghill, the right honourable Richard Tighe esquire, Sir William Fownes baronet, George Rochfort and John Rochfort of the city of Dublin esquires, Thomas Molyneux, Edward Worth, Richard Helsham, and Brian Robinfon esquires, doctors of physick, Thomas Burgh of the city of Dublin esquire, John Nicholls esquire, his Majesty's chyrurgeon general of Ireland, and the chyrurgeon general of Ireland for the time being.

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The mem-  
bers.

II. And be it further enacted by the authority aforesaid, That upon the death of any person or persons, whose name is herein particularly before mentioned, whereby a vacancy of a governor shall happen, that then the governors of the said hospital, or the major part of them, five at least consenting, shall within three calendar months after the death of such person elect some other fit person to be a governor in the place or stead of every such person so dying; and as often as any vacancy shall happen in the place of any of the persons hereafter to be elected to succeed therein, some other person or persons shall in like manner be elected; which said person so from time to time elected shall to all intents and purposes be deemed and taken to be governors of the said hospital, as if their names were herein particularly inserted.

On vacancy, the governors (5 at least) shall elect in 3 months.

III. Provided nevertheless that before every such election of a governor eight days notice in writing shall be given to the governors of the day, time, and place of such election, to be left at their usual place of abode, if in the city of Dublin, or the suburbs or liberties thereof; and for want of such notice the election shall be void, and the governors may proceed to a new election.

8 days notice in writing, or the election void.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of April one thousand

The corporation named, and

A. D. 1729. Chap. 23. And seven hundred and thirty the aforefaid perfons and their fucceffors fhall for ever hereafter in name and fact be one body politick and corporate in law for the purpofes in this act contained, and fhall have perpetual fucceffion, and fhall be called by the name of the governors and guardians of the hofpital founded by doctör Richard Stephens, and that they fhall be enabled to plead and fue, and to be fued and impleaded, by that name in all courts and places of judicature, and fhall and may appoint a common feal or feals for the ufe of the faid corporation.

V. And be it further enacted by the authority aforefaid, That the faid governors and guardians of the faid hofpital, and their fucceffors, fhall have power and authority, and are hereby authorized, to meet together from time to time and as often as there fhall be occafion ; and the faid governors and guardians, or their fucceffors, or any five or more of them, being fo affembled, whereof the lord chancellor, or one of the chief judges for the time being, to be always one, fhall have power to confider of, and by the votes of the major part of fuch of the faid governors and guardians, as fhall be fo affembled, to make fuch reafonable laws, rules, orders, and regulations, for the better government and management of the faid hofpital, as they fhall think neceffary and convenient, and to revoke or alter the fame at their difcretion ; to which laws, rules, orders, and regulations, fo made by the faid governors and guardians of the faid hofpital, all officers and fervants belonging to the faid hofpital, who fhall from time to time be nominated and appointed by the votes of the major number of fuch of the faid governors and guardians of the faid hofpital, as fhall be fo affembled, five at leaft being prefent, and all fick and wounded perfons, who from time to time fhall be and remain within the fame, fhall for ever be lyable and fubject to, and from time to time obferve and pay due obedience, thereto ; and in cafe fuch officers and fervants, or fick or wounded perfons, fhall refufe or neglect to conform to and obey the fame, the faid governors and guardians of the faid hofpital at any affembly by the votes of the major number, five at leaft being prefent, fhall have full power and authority, and are hereby authorized, to fufpend or deprive fuch officers or fervants of and from their offices, fervices, or employments, and all perquifites and profits belonging thereunto, and to remove or caufe to be removed fuch fick and wounded perfons out of the faid hofpital, or for fuch offence or offences to appoint any leffer punifhment to be inflicted on fuch officers or fervants, and fuch fick and wounded perfons, as in their difcretion they fhall think fit.

VI. And be it further enacted by the authority aforefaid, That from and after the deceafe of the faid Grizell Stephens all the real

real estate of the said doctor Richard Stephens shall be and is hereby vested in the said governors and guardians of the hospital founded by the said doctor Richard Stephens and their successors for ever, upon the several trusts, and to the same uses, and under the same rules, directions, and restrictions, as in and by the said last will and testament of the said doctor Richard Stephens are limited and appointed concerning the same, and to no other use, intent, or purpose whatsoever; and that the said sum of one thousand pounds, bequeathed by the will of the said Esther Johnson, shall from and after the said twenty fifth day of April be vested in the said governors and guardians of the said hospital and their successors upon the trusts and for the intents and purposes in and by the last will and testament of the said Esther Johnson limited and appointed concerning the same.

A. D. 1729.  
Chap. 23.  
the wills of Dr. Stephens and Esther Johnson.

VII. And be it further enacted by the authority aforesaid, That the said governors and guardians of the said hospital, and their successors, shall and may without licence in mortmain purchase, take or receive any manors, lands, tenements, annuities, or hereditaments in possession, reversion, or contingency, not exceeding the value of two thousand pounds *per annum* in the whole, of the alienation, gift, or devise of any person or persons having a right, and not being otherwise disabled, to alien, grant, or devise the same, who are hereby enabled to transfer and grant the same accordingly, or any goods and chattels personal whatsoever, as well for finishing the said building, as for the relief, support, and maintenance of the sick and wounded persons to be placed in the said hospital; and that the said John Montgomery and captain Alexander Auchinleck, trustees in the will of the said colonel Alexander Montgomery, may and are hereby impowered and enabled to grant and convey the field and right of commonage in Dolphin's barn to the said governors and guardians of the said hospital and their successors according to the true intent and meaning of the last will and testament of the said colonel Alexander Montgomery deceased; which shall be as good and effectual, as if such conveyance had been made to the trustees in the will of the said doctor Stephens; the statutes of mortmain, or any other statute, law, provision, or restriction, to the contrary notwithstanding.

They may without licence in mortmain purchase, &c. 2000 l. *per ann.*

Trustees in Montgomery's will may convey to them effectually.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governors and guardians of the said hospital from time to time by indenture under their common seal to demise or lease any lands, tenements, or hereditaments vested in them in pursuance of this act, or any part or parcel thereof, for any term or number of

Said governors may under common seal make leases,

A. D. years in cities or towns corporate, not exceeding the term of sixty  
 1729. one years, and in any other place not exceeding the term of  
 Chap. 23. thirty one years, so as upon every such demise or lease there be  
 reserved and made payable half yearly to the governors and  
 guardians of the said hospital, and their successors, during the  
 said term, as much rent as can at the making such lease be really  
 and *bona fide* gotten for the same from a solvent tenant, and so  
 as no fine, income, or other consideration be taken for the same,  
 and that every such demise or lease be made in possession, and  
 not in reversion.

61 years in  
 cities, &c. in  
 other places  
 31.  
 reserving  
 half yearly the  
 best rent; no  
 fine, &c. and  
 not in rever-  
 sion.

otherwise  
 void.

IX. And be it further enacted by the authority aforesaid, That  
 all leases made of such lands, tenements, or hereditaments, in any  
 other manner shall not be good or available in law, but shall be  
*ipso facto* null and void.

This a pub-  
 lick act.

X. And be it further enacted by the authority aforesaid, That  
 this act shall be deemed, taken, and allowed in all courts within  
 this kingdom as a publick act, and all judges are hereby required  
 as such to take notice thereof without specially pleading the same.



T H E



THE  
FIFTH YEAR  
OF  
GEORGE II.



CHAP. I.

*An Act for granting and continuing to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned.*

**W**E your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled; being highly sensible of your Majesty's tender regard for the happiness and prosperity of this kingdom, have in the most chearful and grateful manner unanimously resolved to supply your Majesty to the utmost of our power with what shall be necessary for the support of your Majesty's government, and the defence of this your kingdom; and therefore do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled,  
and

A. D.

1731.

Chap. 1.

Duties granted  
by 1 G. 2. 4.

and continued  
by 1 G. 2. 1.

further conti-  
nued until 25  
Dec. 1733.  
continued  
from time to  
time, and by  
1 G. 3. 1. until  
25 Dec. 1763.  
except 5 s. per  
gallon on spirits  
above proof.

said duties le-  
vied over and  
above all others  
by 14 C. 2. 8.

by 14 C. 2. 9.

if after pay-  
ment of said du-  
ties, or security,  
said wines, &c.  
again exported  
by merchants  
subjects in 12  
months, or  
strangers in 9,  
and certificate of  
due entry, pay-  
ment, &c. said  
additional duties  
repaid, or secu-  
rity discharged.  
altered by  
subsequent  
acts, and by  
1 G. 3. 1. to  
24 months by  
subjects and 12  
by strangers.

and by the authority of the same; That the several and respective duties and impositions on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes, which in and by an act of Parliament made and passed in the first year of your Majesty's reign, intituled, *An act for granting to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned, and also a tax on salaries, profits of employments, fees, and pensions, and for securing the re-payment of fifty thousand pounds sterling, formerly advanced to his late Majesty for the use of the publick, together with the interest thereof*, were granted unto your Majesty, or chargeable in manner therein mentioned from the twenty fifth day of March one thousand seven hundred twenty and eight to the twenty fifth day of December one thousand seven hundred twenty and nine inclusive; and which by one other act made and passed in the third year of your Majesty's reign, intituled, *An act for granting and continuing to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned*, were continued until the twenty fifth day of December in the year of our Lord one thousand seven hundred thirty and one inclusive; be further granted, continued, raised, collected, levied, and paid, unto your Majesty, your heirs and successors, from the said twenty fifth day of December one thousand seven hundred thirty and one until the twenty fifth day of December one thousand seven hundred thirty and three inclusive.

II. And be it enacted, That all and singular the said duties hereby granted and continued shall be raised, levied, collected, and paid unto your Majesty, your heirs and successors, during the time aforesaid, over and above all other duties payable for the same, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by virtue of one other act made in the said fourteenth year of the reign of the said King Charles the second, intituled, *An Act for settling the subsidy of poundage, and granting a subsidy of tunnage, and other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland according to a book of rates hereunto annexed*.

III. Provided always, and be it enacted by the authority aforesaid, That if the said wines, strong-waters, spirits perfectly made, and spirits made and distilled of wine and brandy, or spirits above proof, upon which the said additional duties are charged, shall after payment thereof, or security given for the same, be again exported by any merchant or merchants, that is or are a subject or subjects of this realm, or any other his Majesty's dominions, within twelve months, or by merchants strangers within nine months, after the importation thereof, and due proof first made by certificate from the proper officers of the due entry of such wines, strong waters, spirits perfectly made, and spirits made and distilled of wine, brandy, or spirits above proof, and of the payment of the said additional duties hereby granted and charged thereon, or security being given for the same, and that all other requisites shall have been performed, which are by law required to be performed in cases where the duties of excise are to be repaid by virtue of the before mentioned act, [intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*;] that then the said additional duties shall without any delay or reward be repaid or allowed unto such merchant or merchants, so exporting the same, within one month after demand thereof, or the security for the said additional duties by this act charged shall be vacated or discharged as to so much, as shall be so exported; any thing in this act contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That for the better levying and collecting the several rates and duties hereby granted, and also for a further supply to your Majesty, all and every the rules, directions, powers, and authorities, clause or clauses, relating to the brewers mixing their beer and ale, and distillers distilling

distilling of strong waters, and for preventing the mixing of small worts with strong ale or beer after the gauger hath taken the gauge thereof, and for impowering gaugers to take an account of all wash and low wines in distillers hands, the better to ascertain the quantity of *aqua vitæ*, strong waters, and spirits by them distilled, and all penalties and forfeitures arising thereby and therefrom, given, granted, or enacted, in and by an act passed in the fourth year of the reign of his late Majesty King George the first of glorious memory, intituled, [*An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also a tax on all salaries, profits of employments, fees, and pensions therein mentioned; and for granting a further additional duty on ale, beer, and strong-waters, and spirits perfectly made, and upon all spirits made and distilled of wine, and for securing the repayment of fifty thousand pounds sterling, formerly advanced to his Majesty for the use of the publick, together with the interest thereof*] which were to continue from the twenty first day of November one thousand seven hundred and seventeen until the twenty first day of November one thousand seven hundred and nineteen inclusive, and which were further granted and continued from time to time by divers acts of Parliament made in this kingdom until the twenty fifth day of December one thousand seven hundred thirty and one inclusive, shall be and continue in full force from the said twenty fifth day of December one thousand seven hundred thirty and one until the twenty fifth day of December, which shall be in the year of our Lord one thousand seven hundred thirty and three inclusive.

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Chap. I.

All clauses relating to brewers mixing liquors, &c. and impowering gaugers to take account to ascertain quantity of spirits distilled, and all penalties in 4 G. 1. 2. which were continued from time to time, further continued until 25 Dec. 1733. and further by several acts, and by 33 G. 2. 1. until 25 Dec. 1761.

V. And be it enacted by the authority aforesaid, That for a further supply to your Majesty the further additional duty of twenty shillings *sterling* on every hundred weight of molasses, and the further additional duty of twenty shillings on every hundred weight of treacle, which in and by the said act of Parliament made in the first year of your Majesty's reign were granted to your Majesty from the twenty fifth day of March, which was in the year of our Lord one thousand seven hundred twenty and eight until the twenty fifth day of December one thousand seven hundred twenty and nine inclusive, and which were further granted and continued to your Majesty from the said twenty fifth day of December one thousand seven hundred twenty and nine until the twenty fifth day of December one thousand seven hundred thirty and one inclusive, be further granted; continued, collected, levied, and paid; unto your Majesty, your heirs and successors, from the said twenty fifth day of December one thousand seven hundred thirty and one until the twenty fifth day of December one thousand seven hundred thirty and three inclusive.

Additional duty on molasses and treacle granted by 1 G. 2. 4. and continued, further continued until 25 Dec. 1733. continued from time to time, and by 1 G. 3. 1. until 25 Dec. 1763.

VI. And be it further enacted by the authority aforesaid, That the said additional rates and duties on coffee, tea, chocolate, and cocoa-nuts, and all money arising thereby, shall be paid to the trustees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and support the said manufactures and the trade thereof in this kingdom.

Additional duties on coffee, &c. paid to trustees for linnen manufacture. continued from time to time, and by 1 G. 3. 1.

VII. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties, hereby granted or continued, shall be raised, answered, collected, and paid, unto your Majesty, your heirs and successors, during the term aforesaid; at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed in and by the said act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors; according to the book of rates therein inserted, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act; with like remedy of appeal to and for the party grieved as in and by the said act of excise, or any other law now in being relating to the duties of excise, is provided.*

All additional duties hereby granted or continued, shall be collected as by 14 G. 2. 8. or any other excise law in force.

A. D.

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Chap. I.

All fees payable to vice-treasurer, receiver, or pay-master-general, &c. shall be received and accounted for to the King's use as a further aid.

Grants of money to the linen-manufacture, Blue-coat Hospital, and several private persons.

VIII. And be it enacted by the authority aforesaid, That the six pence *per* pound, and all other fees, which shall or may be payable to the vice-treasurer, receiver, or pay-master-general, or any other officer or officers of this kingdom, for, or on account of, or out of the aids hereby granted unto your Majesty, shall be received by the said vice-treasurer, receiver, or pay-master general, for the use of your Majesty, your heirs and successors, during the term aforesaid, and shall be duly accounted for by him or them to your Majesty, your heirs and successors, as a further and additional aid hereby given and granted.

IX. And be it enacted by the authority aforesaid, That the several sums hereafter mentioned be paid out of the aforesaid additional duties and aids, granted and continued to your Majesty by this present act, to the persons herein after mentioned: (that is to say) the sum of two thousand pounds *per annum* for two years from the twenty fifth day of December one thousand seven hundred and thirty one to the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred thirty and three inclusive, to the trustees appointed for the management of the hempen and flaxen-manufacture of this kingdom, for encouraging the raising sufficient quantities of hemp and flax in this kingdom; also the sum of three hundred pounds *sterling* to Matthew Pennesfather esquire, accountant-general, as a reward for his expence and trouble in preparing and stating the publick accounts of the nation, laid before the house of commons this session of Parliament; also the sum of three hundred pounds *sterling* to Bruen Worthington a clerk of the house of commons, as a reward for his attendance and service this session of Parliament; also the sum of two hundred pounds *sterling* to Isaac Ambrose a clerk of the house of commons, as a reward for his attendance and service this session of Parliament; also the sum of two hundred pounds to John Kerr clerk assistant, as a reward for his service and attendance this session of Parliament; three hundred pounds *sterling* to Richard Povey serjeant at arms, as a reward for his attendance and service on the house of commons; two hundred and fifty pounds *sterling* to William Baily and Henry Buckley, the clerks attending the committee of accounts and other committees, as a reward for their attendance and service this session of Parliament, to be equally divided between them; eighty pounds *sterling* to John Fieldhouse and James Savage, door-keepers of the house of commons, as a reward for their attendance and service this session of Parliament, to be equally divided between them; one hundred pounds *sterling* to Samuel Fairbrother, for printing the publick accounts laid before the house of commons this session of Parliament; two hundred pounds *sterling* to the governors of the Blue-coat Hospital Dublin, towards rebuilding part of the said Hospital, which is become necessary by reason of the alterations made therein for the accommodation of both houses of Parliament the last session; thirty pounds *sterling* to the reverend Richard Gibbons chaplain to the said Hospital, for his expence in quitting his apartment in the said Hospital for the accommodation of the Parliament the last session; twenty pounds *sterling* to Alfred Howard agent to the said Hospital, for his expence in quitting his apartment in the said Hospital for the accommodation of the Parliament the last session; and also the sum of twenty pounds *sterling* to Thomas Thorne steward to the said Hospital, for his expence in quitting his apartment in the said Hospital for the accommodation of the Parliament the last session; all which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, or obtained in that behalf.

C H A P.



CHAP. II.

*An Act for granting to his Majesty a further additional duty on wine, silk, hopps, china, earthen, japaned, or lacquered ware, and vinegar; and also a tax of four shillings in the pound on all salaries, profits of employments, fees, and pensions, to be applied to pay an interest of five pounds per cent. per annum for the sum of three hundred thousand pounds, and towards the discharge of the said principal sum.*

WHEREAS by an act passed the last session of Parliament, intituled, *An act for granting to his Majesty a further additional duty on wine, strong-waters, brandy, and spirits; and also a tax of four shillings in the pound on all salaries, profits of employments, fees, and pensions, to be applied to pay an interest at the rate of six pounds per cent. per annum, for the sum of two hundred thousand pounds, and towards the discharge of the said principal sum,* it was enacted, "That for all and every such sum and sums of money, not exceeding in the whole the sum of one hundred and fifty thousand pounds, as should, on or before the twenty fifth day of December one thousand seven hundred and twenty nine be paid into your Majesty's treasury for the purposes in the said act mentioned, there should be paid at the receipt of your Majesty's Exchequer at the end of every six calendar months from the said twenty fifth of December one thousand seven hundred and twenty nine to the person or persons so paying or lending the same, his, her, or their executors, administrators, and assigns, an interest according to the rate of six pounds *per cent. per annum* without any fee or charge from and after the twenty fifth day of December one thousand seven hundred and twenty nine, until such time as they should be respectively paid their principal money at one entire payment;" and it was further enacted by the said act, "That from and after the twenty fifth of December one thousand seven hundred and twenty nine the like interest of six pounds *per cent. per annum* should be paid half-yearly in like manner at the receipt of your Majesty's Exchequer to the several persons, their executors, administrators, or assigns respectively, who had advanced the sum of fifty thousand pounds in the said act mentioned, and that without charge or fee, until such time as they should be respectively paid their principal money at one entire payment:" and whereas not only the said sums of fifty thousand pounds, and one hundred and fifty thousand pounds, making in the whole the said sum of two hundred thousand pounds, remain still unpaid, but there also remains a considerable arrear due to your Majesty's establishment on the twenty fifth day of March one thousand seven hundred and thirty one, which cannot at present be discharged, and your Majesty's establishment supported, without such supplies as would greatly burthen your Majesty's faithful subjects of this kingdom: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for all and every such sum and sums of money, not exceeding in the whole the sum of one hundred thousand pounds, as shall on or before the twenty fifth day of December one thousand seven hundred and thirty one be paid into your Majesty's treasury towards the discharge of the said arrear, there shall be paid at the receipt of your Majesty's Exchequer by the hands of the vice-treasurer or paymaster-general, vice-treasurers or paymasters-general, his or their deputy or deputies, at the end of every six calendar months from the said twenty fifth day of December one thousand seven hundred and thirty one to the person or persons so paying or lending the same,

Recital of  
G. 2. 2.

The 200,000 l.  
still unpaid,

and an arrear  
to the establish-  
ment.

5 l. per cent.  
to be paid every  
6 months for  
100,000 l. bor-  
rowed and paid  
into Exchequer  
on or before 25  
Dec. 1731.

A. D. 1731. Chap. 2. same, his, her, or their executors, administrators, or assigns, an interest according to the rate of five pounds *per cent. per annum* without any fee or charge, and free from all deductions, defalcations, and abatements whatsoever, from and after the said twenty fifth day of December one thousand seven hundred and thirty one, until such time as they be respectively paid their principal money at one intire payment.

Like orders or receipts given by officers of treasury as for the loan by said act.

II. And be it further enacted by the authority aforesaid, That such and the like orders or receipts shall be given by the officers of your Majesty's treasury for all and every sum and sums of money to be paid into the receipt of your Majesty's Exchequer on account of the said intended loan of one hundred thousand pounds, as were given for the several sums advanced on account of the said loan of fifty thousand pounds, and one hundred and fifty thousand pounds.

from 25 Dec. 1731 5 l. per cent. payable for the said 200,000.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of December one thousand seven hundred and thirty one an interest after the rate of five pounds *per cent. per annum*, and no more, shall be paid half yearly in like manner at the receipt of your Majesty's Exchequer to the several persons, their executors, administrators, and assigns, who formerly paid and advanced the said several sums of fifty thousand pounds and one hundred and fifty thousand pounds, without any charge or fee, and free from all deductions, defalcations, and abatements whatsoever, until such times as they be respectively paid their principal money at one intire payment.

Persons intitled to any part of said 200,000 shall deliver up former orders or receipts,

IV. And be it further enacted by the authority aforesaid, That each and every person intitled to any part of the said respective sums of fifty thousand pounds and one hundred and fifty thousand pounds, shall on or before the twenty fifth day of December one thousand seven hundred and thirty one deliver or cause to be delivered up to the vice-treasurer or vice-treasurers, his or their deputy or deputies, all receipts or orders, whereby such person or persons respectively are intitled to any part of the said sums of fifty thousand pounds and one hundred and fifty thousand pounds; which said order and orders, receipt and receipts, the said vice-treasurer or vice-treasurers, his or their deputy or deputies, is and are hereby impowered and required to receive and cancel, and to make out and deliver the like orders or receipts to such person or persons respectively, their executors, administrators, and assigns: who shall deliver or cause to be delivered such former orders or receipts for the sums contained in such former orders or receipts, with interest for the same according to the rate of five pounds *per cent. per annum*.

and shall have the like orders for like sums, at 5 l. per cent.

If any refuse 5 l. per cent. they shall receive their money due, on transferring their orders to vice-treasurer,

V. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, intitled to any part of the said several sums of fifty thousand pounds and one hundred and fifty thousand pounds, shall refuse to take or accept for the said principal money to them respectively due five pounds *per cent. per annum* interest from the said twenty fifth day of December one thousand seven hundred and thirty one, that then such person or persons transferring his, her, or their order or orders, receipt or receipts, and the whole benefit thereof, to the said vice-treasurer or vice-treasurers, his or their deputy or deputies, such person or persons shall have and receive the money due to them on such orders or receipts from the said vice-treasurer or vice-treasurers, his or their deputy or deputies; which said orders and receipts so transferred the said vice-treasurer or vice-treasurers, his or their deputy or deputies, are hereby impowered and required to cancel, and to make out new orders or receipts at an interest of five pounds *per cent. per annum* from the said twenty fifth day of December one thousand seven hundred and thirty one for such sum and sums of money, as shall be by them paid off and discharged, and deliver such new orders and receipts to such person or persons, who shall advance the sum or sums contained in such new orders or receipts: provided that no order or receipt to be issued by the vice-treasurer or vice-treasurers, his or their deputy or deputies, by virtue of this act shall be for any greater sum than one hundred pounds.

who shall make out new orders at 5 l. per cent. to persons who shall advance the money therein.

no order issued by treasurer for above 100 l.

VI. And

VI. And be it further enacted by the authority aforesaid, That all and every person or persons, to whom such orders or receipts for the said sums of one hundred thousand pounds, fifty thousand pounds, and one hundred and fifty thousand pounds, or any part thereof, shall be given, his, her, or their executors or administrators, may by indorsements on such orders or receipts transfer the right and benefit of the sum due upon such orders or receipts; which indorsement upon notice to the vice-treasurer or vice-treasurers, his, or their deputy or deputies, and entry or memorial thereof made in the said vice-treasurer's office (which the said vice-treasurer or vice-treasurers, his or their deputy or deputies, shall upon request without charge, fee, or reward, make accordingly, and shall on request permit the same to be viewed at the usual office-hours without fee or reward) shall intitle the indorsee or assignee, his or her executors, administrators, and assigns, to the sole benefit of the sum so transferred or assigned; and that the said order or receipt may in like manner be assigned or transferred by such assignee, his or her executors or administrators, and so *toties quoties*; and that after such assignment it shall not be in the power of the person or persons, who made such assignment, to make void, release, or discharge the said assignment, or the sum thereby transferred or assigned, or any part thereof.

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Chap. 2.

such orders assignable by indorsement,

VII. And be it further enacted by the authority aforesaid, That the vice-treasurer or vice-treasurers, his or their deputy or deputies, shall arithmetically number all the orders or receipts, which he or they shall give and deliver out in pursuance of this act, as they shall be delivered out, commencing by number one, and so continuing the numbers till the whole be arithmetically numbered as aforesaid.

Orders delivered shall be numbered.

VIII. And to the end and intent that the interest of the said several sums of one hundred thousand pounds, fifty thousand pounds, and one hundred and fifty thousand pounds, making in the whole the sum of three hundred thousand pounds, according to the rate of five pounds *per cent. per annum*, may be duly and regularly paid half-yearly according to the true intent and meaning of this act: be it enacted by the authority aforesaid, That from and after the twenty fifth day of December, which shall be in this present year of our Lord one thousand seven hundred and thirty one, there shall be throughout this your Majesty's kingdom of Ireland, raised, levied, collected, and paid to your Majesty, until the twenty fifth day of December one thousand seven hundred and thirty three inclusive, and no longer, over and above the rates and duties already payable for the same, and over and above the several additional duties granted and continued to your Majesty this present session of Parliament by an act intituled, *An act for granting and continuing to his Majesty, an additional duty on beer, ale, strong waters, wine, tobacco, and other goods and merchandizes therein mentioned*, the several further new additional rates and duties herein after mentioned: (that is to say) one pound thirteen shillings *per tun* for and upon all sorts of wines of the growth of Portugal; and three pounds *per tun* for and upon all other sorts of wines that shall be imported into this kingdom from the said twenty fifth day of December one thousand seven hundred and thirty one to the twenty fifth day of December one thousand seven hundred and thirty three inclusive, and so proportionably for a greater or lesser quantity; and also the sum of two shillings and six pence *per pound weight* for and upon all manufactures made of silk, except the manufactures of Great-Britain, China, Persia, or the East-Indies, that shall be imported into this kingdom during the time aforesaid; and also one half-penny *per pound weight* for and upon all hopps that shall be imported into this kingdom during the time aforesaid; and also five pounds *per cent.* for and upon all China, earthen, japaned, or laquered ware that shall be imported into this kingdom during the time aforesaid, as valued or rated for custom by the book of rates annexed to an act made in the fourteenth year of the reign of King Charles the second in this kingdom, intituled, *An act for settling the subsidy of poundage, and granting a subsidy of tunnage and*

For payment of the interest of said 300,000 l.

further additional duties from 25 Dec. 1731 to 25 Dec. 1733,

On wines of Portugal 1 l. 13 s. *per tun*: other wines 3 l.

2 s. 6 d. *per pound* on silk manufactures, except of Great-Britain, &c.

one half-penny *per pound* on hops;

5 l. *per cent.* on earthen or japaned ware as valued by book of rates 14 & 15 C. 2. 9.

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20 s. per tun  
on vinegar

If after payment or security, the goods re-exported by subjects in 12 months, strangers in 9, on certificate of entry, payment, &c. said additional duty repaid in a month after demand, or security discharged.  
altered 7 G. 2.

1 G. 3. 5.

All said additional duties hereby granted, shall be collected as by 14 & 15 G. 2. 8. &c.

4 s. per l. during said time on salaries and pensions of absentees 6 months each year,

other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed, and also twenty shillings per tun for and upon all sorts of vinegar that shall be imported into this kingdom during the time aforesaid, and so proportionably for a greater or lesser quantity.

IX. Provided always, and be it enacted by the authority aforesaid, That if any of the said goods and merchandizes, on which the said additional duties are charged, shall after payment thereof, or security given for the same, be again exported by any merchant or merchants that is or are a subject or subjects of this realm, or any other his Majesty's dominions within twelve months, or by merchants strangers within nine months after the importation thereof, and due proof first made by certificate from the proper officers of due entry of the goods and merchandizes hereby charged with the said duties, and of the payment of the additional duties hereby granted and charged thereon, or security having been given for the same; and that all other requisites shall have been performed, which are by law required to be performed in cases, where the duties of excise are to be repaid, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, that then the said additional duties shall without any delay be repaid or allowed unto such merchant or merchants so exporting the same within one month after demand thereof, or the security for the said additional duties by this act charged shall be vacated or discharged, as to so much as shall be so exported; any thing in this act contained to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties hereby granted shall be raised, answered, collected, and paid unto your Majesty, your heirs and successors, during the time aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed, in and by the said act made in this kingdom in the fourteenth year of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act, with like remedy of appeal to and for the party grieved as in and by the said act of excise, or any other law now in force relating to the duties of excise is provided.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall have upon the twenty fifth day of December one thousand seven hundred and thirty one, or who shall have at any time between the said twenty fifth day of December one thousand seven hundred and thirty one and the twenty fifth day of December one thousand seven hundred and thirty three inclusive, any salary, profits of employments, fees, or pensions, in this kingdom, shall pay unto your Majesty the full sum of four shillings *sterling* out of every twenty shillings a year, which he, she, or they, do or shall receive, or be intitled unto, by reason of such salaries, profits of employments, fees, or pensions, over and above the charges and expences of executing the said employments, unless such person or persons do and shall live and actually reside within this kingdom for and during the space of six calendar months at least in each of the said years; which said tax or duty of four shillings *sterling* out of every twenty shillings a year as aforesaid out of such respective salaries and pensions shall be stopped and deducted yearly, during the time and term aforesaid, by the vice-treasurer, pay-master, and receiver-general of your Majesty's revenue, or by such person or persons who pay the same; and which said profits and fees shall be stopped by the

the respective deputy and deputies of such person or persons so absent as aforesaid, and paid by them to the said vice-treasurer or vice-treasurers, his or their deputy or deputies, to be accounted for to your Majesty; and that such deputy or deputies shall within one calendar month after such tax shall become due, give in upon oath an account before the lord chief baron, or any of the barons of the Exchequer, or any two justices of the peace, of the neat profits of such employment or employments, for which such deputy or deputies are or shall be accountable to their principals; which account such person or persons, to whom the same shall be given upon oath as aforesaid, shall forthwith send to the said vice-treasurer or vice-treasurers, his or their deputy or deputies; and in case such deputy or deputies shall omit or neglect to give in upon oath such account within the time herein before for that purpose appointed, such deputy or deputies neglecting or omitting the same from the time of such omission or neglect shall be incapable of exercising or holding such deputation.

XII. Provided always, and be it further enacted and declared by the authority aforesaid, That this act shall not extend to charge the said tax or duty of four shillings *sterling* a year on every twenty shillings as aforesaid upon the salary, pension, fees, or profits of employments, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, his or their secretary or secretaries; nor to such person or persons who shall within one month after such tax shall become payable be exempted from the payment thereof by his Majesty's sign manual produced for that purpose, and lodged with the vice-treasurer or vice-treasurers of this kingdom, or his or their deputy or deputies, within one month after the said tax shall become due; nor to the officers of such regiments as now are or hereafter shall be commanded abroad on his Majesty's service; nor to the half pay officers on the establishment of this kingdom; nor to the widows of officers; nor to any officer under the degree of a field-officer.

XIII. And be it further enacted by the authority aforesaid, That neither the fix pence *per* pound nor any other fees shall be payable to, or be deducted or received by, the vice-treasurer, receiver, or paymaster-general, or any other officer or officers of this kingdom, for, or on account of, or out of the aids hereby granted to your Majesty, or of any payment to be made thereout in pursuance of this act.

XIV. And be it further enacted by the authority aforesaid, That the surplus of the duties and aids, granted by the said first herein before recited act, over and above the payment of the interest of the said sum of two hundred thousand pounds be applied by the vice-treasurer or vice-treasurers, his or their deputy or deputies, towards the discharge of the said sum of three hundred thousand pounds in such manner as the surplus arising by the aids and duties hereby granted is hereafter directed and appointed.

XV. And be it further enacted by the authority aforesaid, That the several duties and aids, and the said tax of four shillings in the pound, hereby granted to your Majesty, shall in the first place be applied and paid by the vice-treasurer or vice-treasurers, his or their deputy or deputies, to the discharge of the interest of the said sum of three hundred thousand pounds; and that all the surplus of the said aids and duties hereby granted to your Majesty, over and above what shall be sufficient to discharge the said interest of the said sum of three hundred thousand pounds, shall be applied towards the discharge of the said principal sum of three hundred thousand pounds in manner hereafter mentioned: (*viz.*) That when and as often as such surplus received by the vice-treasurer or vice-treasurers, his or their deputy or deputies, shall amount to the sum of five thousand pounds, that then the vice-treasurer or vice-treasurers, his or their deputy or deputies, shall cause the numbers of all the receipts or orders, which shall be issued and delivered out in pursuance of this act, and the sum therein contained, to be written on several tickets or pieces of parchment, and to be rolled and sewed up and put into a box or urn, and well mixed together, and an indifferent person shall publicly between the hours of ten and twelve in the forenoon of a day, to be by the said

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absentee's deputy shall in a month after the tax due give account on oath before a baron or two justices, of the neat profits, to be sent to vice-treasurer, deputy neglecting incapable.

Not to extend to tax chief governor or his secretary;

nor persons exempted by sign manual in a month after due.

Officers on service abroad: half-pay, or widows of, officers: or under a field officer.

No fees payable to vice-treasurer or other officers on account of aids hereby granted.

Said duties first applied to discharge the interest of the 300,000 £.

then the principal.

When the surplus amounts to 5000 £. vice-treasurer shall mix the numbers of all the orders in an urn,

to be drawn publicly by an indifferent person on a day advertised 20 days before,

vice-



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to amount of  
5000*l*.  
the persons  
whose numbers  
drawn shall be  
paid in 20 days  
after, and deli-  
ver up their or-  
ders to be can-  
celled.

vice-treasurer or vice-treasurers, his or their deputy or deputies; publicly adver-  
tized in the Dublin-Gazette for that purpose at least twenty-days before, at the of-  
fice of the vice-treasurer or vice-treasurers draw out of such box or urn as many  
of the said tickets or pieces of parchment as the sums therein contained shall amount  
to the said sum of five thousand pounds; and the person or persons, the number of  
whose order or receipt shall be so drawn, his or their executors, administrators, or  
assigns, shall within twenty days after the said tickets or pieces of parchment shall  
be drawn be paid by the said vice-treasurer or vice-treasurers, his or their de-  
puty or deputies; the principal sums to him or them respectively due with inter-  
est for the same, at the rate of five pounds *per cent. per annum* till paid; and shall  
upon payment thereof deliver up his and their several and respective orders and re-  
ceipts to the said vice-treasurer or vice-treasurers, his or their deputy or deputies,  
to be cancelled; which he or they are hereby required to cancel accordingly, and  
the interest payable by virtue of such orders or receipts shall cease from the ex-  
piration of twenty days, to be accounted from the day of drawing the said tick-  
ets or pieces of parchment.

If any part of  
the 300,000 *l*.  
unpaid on 25  
Dec. 1733, it  
shall be paid,  
with interest at  
5 *l. per cent.*  
without any de-  
duction.

XVI. And be it further enacted by the authority aforesaid; That if any part  
of the said principal sum of three hundred thousand pounds shall be due and un-  
paid on the twenty fifth day of December, which shall be in the year of our Lord  
one thousand seven hundred and thirty three, the same shall be well and truly sa-  
tisfied and paid unto the several and respective persons, their executors, administra-  
tors, and assigns respectively, to whom the same shall be then due, together with  
such interest for the same as shall be then due at the rate of five pounds *per cent.*  
*per annum*, without any deduction, defalcation, or abatement whatsoever.

Separate ac-  
count of duties  
granted by this  
act, or any other  
in force, and ap-  
propriated to  
particular uses.

The commis-  
sioners shall re-  
turn an account  
in their abstracts,  
and collectors  
take separate re-  
ceipts from vice-  
treasurer.

XVII. And be it further enacted by the authority aforesaid; That from and after  
the said twenty fifth day of December one thousand seven hundred and thirty one  
a separate and distinct account shall be kept by the proper officers of the aids, du-  
ties, and taxes granted by this act, or any other act of Parliament now in force  
in this kingdom, and appropriated to particular uses, and that the commissioners  
of his majesty's revenue in their abstracts shall return an account of the several  
duties and taxes so appropriated; and that every collector or receiver of the said  
duties and taxes do take a separate receipt for the same when paid into his Ma-  
jesty's treasury; which said receipt the vice-treasurer or vice-treasurers, his, or their  
deputy or deputies, is and are hereby required to give accordingly.

## C H A P. III.

*An act for the better securing and collecting his Majesty's revenue.*

To prevent di-  
minution of the  
revenue, and  
discouragement  
of officers by  
vexatious suits,

Officers, &c.  
sued for acting  
may plead ge-  
neral issue and  
give the matter  
in evidence,

W H E R E A S several frauds and abuses have been committed to the great  
diminution of his Majesty's revenue, and the officers appointed for the  
collection thereof, have been greatly discouraged by unreasonable and unnecessary  
prosecutions carried on by litigious and evil disposed persons: for remedy where-  
of, and to the intent that the officers of his Majesty's revenue may not be put to  
great charges, and be thereby discouraged from the execution of their respective  
offices by vexatious suits, that may be prosecuted against them by evil and litigious  
persons; be it enacted by the King's most excellent Majesty, by and with the ad-  
vice and consent of the lords spiritual and temporal and commons in this present  
Parliament assembled, and by the authority of the same, That if any suit shall be  
brought or commenced from and after the twenty fifth day of March, which will  
be in the year of our Lord one thousand seven hundred and thirty two, against  
any officer or officers of his Majesty's revenue in this kingdom, or any other per-  
son or persons that shall aid and assist such officer or officers, for and concerning any  
matter or thing by him, them, or any of them, done by virtue of and in execution  
of his or their office or offices; such officer or officers, his or their aiders and as-  
sistants

fiftants may plead the general issue not guilty, and upon issue joyned may give the special matter in evidence to the jury, who shall try the same.

II. Provided always, That such officer or officers, his or their attorney or attorneys, shall at least fourteen days before such tryal, in case such officer or officers shall on such tryal give any record or records in evidence, give notice in writing to the plaintiff or his attorney what record or records, he or they intend to give in evidence on such tryal.

III. And to prevent the great expence and trouble which the officers of his Majesty's revenue may be at in proving the commissions, under which they act; be it therefore enacted by the authority aforesaid, That such officer or officers may give in evidence an attested copy of the entry in any of the books of the commissioners of his Majesty's revenue, or of the entry in the collectors books of that district, where he or they acted as an officer or officers, to prove that he or they was or were an officer or officers of his Majesty's revenue; which attested copy, being duly proved, shall be and is hereby allowed and deemed to be sufficient evidence in all courts of record in this kingdom of his or their being a legal officer or officers, or of his or their having authority to act as an officer or officers of his Majesty's revenue; without producing the original commission by which he or they were appointed and constituted.

IV. And whereas in and by an act made in the fourteenth year of the reign of his Majesty King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, it is enacted amongst other things, "That the commissioners, sub-commissioners, or collectors of excise respectively, within the limits of their several districts, or the major part of them, or others authorized under the hands and seals of the commissioners, not interested therein, or the major part of them, upon any complaint or information shall proceed to the examination of the matter of fact by summoning witnesses and parties to appear before them, and to give judgment and sentence accordingly, as in and by the said act is appointed; and afterwards to issue a warrant of distress for levying any forfeiture, fine, or penalty, by distress and sale of the parties goods and chattels, against whom judgment shall be given, and for want of sufficient distress, to commit the offender to prison:" and whereas a doubt hath been made, whether the said commissioners, sub-commissioners, collectors, or others authorized as aforesaid, can summon any person to be a witness, who doth not reside in the district, where such complaint or information is exhibited, and whether any warrant of Distress or for imprisoning the offender, where no sufficient distress can be had, may be executed out of the limits of such particular district: be it therefore declared and enacted by the authority aforesaid, That upon information filed before the said commissioners, sub-commissioners, collectors, or others authorized as aforesaid in the proper district, witnesses and parties residing in any other different district of this kingdom may be summoned to appear before them in the same manner, as if the person or persons was or were resident and found within the particular district where such information was exhibited, and under the same restrictions and regulations as in and by the said recited act is appointed; and also that the warrant of distress and imprisonment where no sufficient distress can be had, that shall be issued by the commissioners, sub-commissioners, or others pursuant to the said act, may and shall be executed respectively upon the goods and chattels, or on the person, of such offender in any part or place of this kingdom, in the same manner as such warrants might have been executed in the particular district, where the information was exhibited and judgment given.

V. Provided always, That no summons shall issue till it shall first appear by the affidavit of some person to be made before one of the commissioners, or sub-commissioners of the district, where such information is filed, and who shall not be interested in such information, that he is advised and verily believes, that the person to be summoned is a material witness on the said information; and that every commissioner, or sub-commissioner, who shall issue such summons without such affidavit

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but must give 14 days notice before trial of records intended to be given in evidence.

7 G. 2. 3.

altered. May give in evidence attested copy of entry in commissioner's or collector's books of their being officers, without producing original commission.

7 G. 2. 3. on indictment, &c.

14 & 15 C. 2. 8. Sec. 51.

Doubts there upon.

On information before commissioners, &c. witnesses and parties in a different district may be summoned under same regulations as by said act:

and warrants of distress and imprisonment executed in any place, as well as the particular district.

But no summons till affidavit that the person is a material witness;

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Penalty 20 l.  
on person sum-  
moned refusing  
to appear or give  
testimony.

Sub commis-  
sioners, &c. be-  
fore whom in-  
formation, shall  
if required take  
oath of not be-  
ing interested,

on refusal, dis-  
qualified:

and the pro-  
ceedings void.

Masters of  
ships on arrival  
shall on request  
by an officer de-  
clare his and the  
ships name, and  
whether bound.

33 G. 2. 10.

Penalty 100 l.

but shall have  
28 days to in-  
voice or go to  
another port.

33 G. 2. 10.

Exciseable  
goods carried to  
inland parts may  
be seized if per-  
mit not produc-  
ed, on demand  
by the officer;

vit previously made, shall forfeit the sum of twenty pounds, to be recovered by action of debt in any of his Majesty's courts of record by the person, who shall be so summoned; and in case any person or persons, who shall be duly summoned by virtue of this act to be a witness as aforesaid, shall neglect or refuse to appear, or appearing shall refuse to give his, her, or their testimony concerning the matter in question, every such person for such neglect or refusal shall forfeit the sum of twenty pounds *sterling*.

VI. And to the intent that all informations and complaints exhibited before the sub-commissioners, collector or collectors of the excise and other duties, authorized pursuant to the said act herein before mentioned, may be impartially determined by disinterested persons; be it enacted by the authority aforesaid, That from and after the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and thirty two, the said sub-commissioners, collectors of excise, and other persons that may be authorized and appointed by virtue of the said act to hear and determine the said matter of complaint mentioned in such information, and every of them, shall, if thereto required by the party or parties against whom such information is made, take an oath that he is not interested or concerned directly or indirectly in the matter or complaint then depending before them, and that he is not to gain or lose thereby on any account whatsoever; which oath the clerk or register of the seizures and forfeitures in the particular district is hereby authorized and required to administer; and if such sub-commissioner or sub-commissioners, collector or collectors of the excise, or any other person or persons to be appointed as in and by the said act is directed, shall refuse to take the said oath as aforesaid, such sub-commissioner or sub-commissioners, collector or collectors, or such person or persons as may be so authorized, is and are by this present act disqualified and rendered incapable to hear, determine, or give judgment upon the matter then depending before them and contained in such information, and all proceedings to be had before them after such refusal shall be null and void.

VII. And whereas several masters of ships arriving from foreign parts in this kingdom very often in their report to the officer of his Majesty's revenue appointed for that purpose disguise and conceal the real name both of the ship by him or them navigated, and also his or their own name or names, and likewise the place or port to which they are bound: be it therefore enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty two every master of any ship or vessel arriving in any port-town of this kingdom shall declare, when required by any of the officers of his Majesty's revenue employed in such port or town, his own real name, and also the true name of the ship, and discover the true place or port to which they are bound, upon pain of forfeiting one hundred pounds, to be recovered as is herein after directed.

VIII. Provided always, That the master of such ship notwithstanding such declaration shall have twenty eight days to envoice his ship, or to go to any other port, as if this act had never been made.

IX. And to prevent frauds committed by not sending permits with exciseable goods conveyed into the inland parts of this kingdom; be it enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty two all wines in hogheads, brandy, and other foreign spirits in vessels containing more than four gallons, tobacco above the weight of four pounds, silks in whole pieces, and Indian goods imported into this kingdom, other than and except spiceries of all sorts, and except tea not exceeding the weight of two pounds, that shall be carried or conveyed into the inland parts thereof, shall be liable to be seized by any of the officers of his Majesty's revenue, and shall be deemed and taken to be run-goods and forfeited as such, unless the carrier, or person that conveys the same, shall actually produce



produce a permit or let-pafs given by the proper officer of the revenue for the carriage of the said goods, if demanded or required so to do by the said officer.

X. Provided always, That on oath made by the carrier of the loss of such permit, and by the merchant, before the commissioners or sub-commissioners in their respective districts, that such permit was not taken out or made use of to his knowledge or belief to cover or protect any other goods, but was taken out for those particular goods so seized, that in such case the entry of such permit in the books of the proper officer, or a copy thereof duly attested, shall be evidence of such permit, as if the said permit had been produced at the time of such seizure.

XI. And be it enacted by the authority aforesaid, That no collector or other officer whatsoever in his Majesty's revenue, shall demand, receive, or take any other fee or reward for any permit for tobacco or other goods, other than the several fees and rates herein after mentioned: (that is to say) for any permit of any quantity of tobacco under one hundred pounds weight, or other goods under the value of five pounds, one penny and no more; and for every permit for any quantity of tobacco of one hundred pounds weight and upwards, and other goods of the value of five pounds and upwards, three pence and no more; and that the proper officer appointed for the issuing such permits shall attend every day at the usual custom-house hours, Sundays, Christmas-day, and Good-friday only excepted.

XII. And for the better recovery of his Majesty's revenue arising by licences for selling of ale, wine, and strong waters, and also for easing the subject of tedious and expensive prosecutions; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty two the several duties and forfeitures arising from such licences respectively shall from time to time be paid to such officer or officers, as shall be appointed to receive the same under the hands and seals of the chief commissioners of excise, or any three or more of them; and that in case of refusal or default of such payment after a demand made the said officer or officers, so appointed as aforesaid, may at any time with the assistance of a constable in the day time levy the said duties and forfeitures for selling without such licence, and all the arrears thereof, by distress and sale of the parties goods, in such manner and by such means as the revenue arising by hearth-money is appointed to be levied and collected in and by an act made in the seventeenth year of King Charles the second, intituled, *An additional act for the better ordering and collecting the revenue arising by hearth-money.*

XIII. And whereas distillers of *aqua vitæ* and other strong waters for sale, frequently fix their stills, alimbecks, and black-pots in the mountainous parts of this kingdom, remote from any market town, with an intent to avoid the payment of the excise payable thereout to his Majesty: for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and thirty two no person or persons shall distil for sale any spirits, *aqua vitæ*, or other strong waters within this kingdom, but in stills, black-pots or alimbecks fixed in some house or tenement within some market-town, or within two miles thereof, under pain of forfeiting for every such offence the sum of forty pounds, to be recovered in manner herein after mentioned.

XIV. Provided always, That any person or persons, who shall distil spirits, *aqua vitæ*, or strong waters for his or their own use only, and not for sale, shall and may keep and make use of any still, black-pots, or alimbecks, which shall hold or contain no greater or larger quantity of wash or pot-ale than twelve gallons, in their respective places of abode; and if any still shall be found in the possession of such private distiller containing any larger quantity of wash or pot-ale than as aforesaid, that then and in such case every such person or persons shall be deemed a common distiller for sale, and shall be liable to pay the duties thereout payable to his Majesty.

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but on oath of loss thereof, and that it was not taken or used to protect other goods, the entry or an attested copy evidence.

Fee for permit, for tobacco under 100 wt. or goods under 5 l. value 1 d. above that 3 d.

Permit-officer to attend daily, except, &c.

Duties and forfeitures from licences to sell ale, &c. shall be paid to officers appointed under hand and seal of 3 commissioners; who on default may by day with a constable levy by distress, as hearth-money by 17 C. 2. 18. 7 G. 2. 3. altered.

33 G. 2. 10. Stills fixed in mountainous remote parts to avoid excise: strong waters shall not be distilled for sale, but in a house in, or within 2 miles from, a market-town; on pain of 40 l. 11 G. 2. 3. altered.

but any one for his private use may use a still of 12 gallons in his place of abode: if larger, deemed common distiller, and to pay duty.

XV. And

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To prevent running of foreign spirits and tobacco, officers may by day enter houses, shops, &c. of retailers thereof, and take account, and make return, as of beer, ale, or strong waters by common brewer, &c. by 14 & 15 C. 2. 8.

Retailers, who sell brandy, &c. under a gallon; tobacco under 300 weight.

Penalty on refusing entrance 50 l.

All forfeitures, &c. (except otherwise appointed) recovered as by 14 & 15 C. 2. 8. and divided between the King and prosecutor,

Importing exciseable goods clandestinely, or assisting therein, assaulting officers, preventing seizure, &c.

first offence, years imprisonment, and 100 l. besides penalties now in being:

second offence, transportation 7 years,

XV. And for the more effectual prevention of the running of brandy, and other foreign spirits, and tobacco; be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and thirty two it shall and may be lawful to and for any officer of his Majesty's revenue to enter in the day-time into the shop, house, out-house, room, or ware-house of any shop-keeper or other person, that shall vend or sell brandy, or other foreign spirits, or tobacco by retail, and take an account from time to time of all such spirits and tobacco, as shall be found in his or their possession, shop, house, out-house, or ware-house, and to make a just return thereof, signed under his or their hand or hands, in such manner as accounts are directed to be taken, and returns made of beer, ale, *aqua vitæ*, or strong waters belonging to any common brewer, vintner, distiller, inn-keeper or alehouse-keeper, in and by an act made in the fourteenth year of King Charles the second, intituled, *An act for settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted.*

XVI. Provided that no person shall be deemed a retailer of tobacco or brandy, and other foreign spirits within this act, but such as sell brandy or other foreign spirits in quantities under one gallon, and tobacco under the quantity of three hundred pounds weight.

XVII. And be it further enacted by the authority aforesaid, That if such shop-keeper, or other person selling foreign spirits or tobacco by retail, shall refuse or hinder any such officer of his Majesty's revenue as aforesaid to enter into his or their shop, house, store-house, room, out-house, or other places belonging to him or them, and to take an account from time to time of all such spirits and tobacco in his or their possession as aforesaid, he or they so refusing shall forfeit the sum of fifty pounds, to be recovered and distributed as is herein after appointed.

XVIII. And be it enacted by the authority aforesaid, That all the forfeitures, fines, and penalties in this present act before mentioned and expressed, except what is herein otherwise appointed, shall be sued for, prosecuted, and recovered by the like ways, means, and methods, in such manner and form, as is mentioned and expressed in the said herein before mentioned act made in the fourteenth year of King Charles the second, with like remedy of appeal for the party grieved; and all seizures, forfeitures, and fines mentioned in this act, necessary charges first deducted for the recovery thereof, shall be divided: (that is to say) one moiety thereof shall be to the use of his Majesty, and the other moiety to him or them that shall sue or prosecute for the same.

XIX. And for the more effectual prevention of tumults and riots, and the security of his Majesty's revenue; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty two, every person or persons, that shall import any exciseable goods or merchandizes into this kingdom in a clandestine and fraudulent manner without paying his Majesty's customs and excise, and every master, mariner, or other person whatsoever, that shall be aiding or assisting in the importation of any such goods, wares, and merchandizes, or shall unlawfully assault or beat any such officer or officers, or his or their assistant or assistants, in the due execution of their respective offices, and prevent his or their seizing or securing, or carrying to the next office of excise, any exciseable goods, wares, or merchandizes which he or they shall seize, or shall by force rescue or carry away such goods, wares, and merchandizes, or any part of them, then and in every such case every person so offending, and being thereof legally convicted by the verdict of a jury of twelve men, or upon his or their confession, shall for the first offence suffer three years imprisonment, and also forfeit the sum of one hundred pounds *sterling*, over and above the penalties to which such person or persons is or are already subject by any law now in being; and for the second offence, being thereof convicted as aforesaid, shall be transported to some of his Majesty's plantations in America, there to continue for the space of seven years.

XX. And

XX. And be it further enacted by the authority aforesaid, That if any person, who shall be transported pursuant to this act, shall at any time within the space of seven years after such transportation be found in this kingdom, not being licensed thereunto by his Majesty, his heirs and successors, under his or their privy seal, or by the chief governor or governors of this kingdom for the time being, such person shall suffer death as a felon without benefit of clergy, any law or statute to the contrary notwithstanding, and shall and may be tried in any county of this kingdom, where he shall be taken or apprehended.

XXI. Provided always, That this act shall continue in force for the space of two years, and from thence to the end of the then next session of Parliament, and no longer.

CHAP. IV.

*An act for the further explaining and amending the several laws for preventing frauds committed by tenants; and for the more easy renewal of leases; and for the further amendment of the law in certain cases therein mentioned.*

WHEREAS several lands, tenements, and hereditaments, in divers parts of this kingdom have heretofore been demised and set for terms of lives or years determinable upon lives by leases, minutes, or contracts in writing, containing an actual demise, wherein no clause of re-entry hath been inserted: and whereas a doubt hath been conceived, whether the landlord or lessor, and those claiming under him, for want of such clause of re-entry, by the several statutes now in force for preventing of frauds committed by tenants, can bring an ejectment for the recovery of such lands so demised, although more than a year's rent is in arrear; and unless explained may prove highly prejudicial to many landlords and lessors, and those claiming under them: for remedy whereof be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That where one whole year's rent or more is or shall be due and in arrear to any landlord or lessor for any lands, tenements, or hereditaments so held, or hereafter to be held, by any such lease, minute, or contract in writing, such landlord or lessor, or those lawfully claiming by, from, or under him, her, or them, may bring his, her, or their ejectment, and recover the possession of such lands, tenements, and hereditaments so demised, in such and the same manner to all intents and purposes, as if a clause of re-entry had been expressly specified and contained in such lease, minute, or contract in writing, and not otherwise; any thing in the said acts to the contrary notwithstanding.

A. D.

1731.

returning within 7 years, without licence, felony without clergy:

To be tried in any county where apprehended.

Continuance 2 years, &c.

Continued by subsequent acts from time to time, so far as not altered by

7 G. 2. 3.

Repealed

33 G. 2. 10.

Doubt whether lessor, where no clause of re-entry, can bring ejectment, tho' above a year's rent due:

where a years rent due, lessor may bring ejectment, as if there was clause of re-entry.

and 25 G. 2. 13. as if containing actual demise.

A. D. 1731. II. And whereas it hath been doubted, whether after judgment  
 Chap. 4. hath been had and obtained in ejectments for non-payment of  
 rent, and execution executed thereupon; the lessor or lessors in  
 such ejectments against the lessee of the lands; for which such  
 ejectment is brought; or his assignee or assignees, can have and  
 maintain an action for the recovery of the arrears of rent due be-  
 fore the bringing such ejectments; or which shall grow due after  
 such ejectment is brought; to the time that judgment shall be  
 had, and execution executed thereupon : be it enacted by the  
 authority aforesaid, That every lessor or lessors recovering in such  
 ejectments for non-payment of rent, and obtaining judgment  
 and execution thereupon, shall and may have the same and like  
 remedy for all arrears to the time of such execution executed;  
 as such lessor or lessors might have had against the lessee or lessees,  
 his or their assignee or assignees, if no such ejectment had been  
 brought, or judgment and execution had been obtained or execu-  
 ted thereupon.

Lessor hav-  
 ing judgment  
 and execution  
 on ejectment  
 for non-pay-  
 ment, shall  
 have like re-  
 medy for ar-  
 rears, as if no  
 ejectment.

III. And whereas by the several acts, now in force for the  
 more effectual preventing frauds committed by tenants, the lessor  
 upon the tryal in ejectments to be brought on the said acts for  
 non-payment of rent must make proof of the perfection of the  
 counterpart of the lease, by which such rent is reserved, before  
 he or they can recover in such ejectment; which many times hap-  
 pens to be impracticable, by reason no counterpart was ever  
 perfected, or, if perfected, has been lost or so mislaid, that it cannot  
 be produced and proved upon such trials, as the said acts direct  
 and require, whereby such lessors are disabled for want of such  
 counterparts from obtaining the remedy and relief provided by  
 the said acts : for remedy whereof be it enacted by the authority  
 aforesaid, That from and after the first day of May one thousand  
 seven hundred and thirty two on any tryal in ejectment for non-  
 payment of rent in pursuance of this or the said former acts,  
 where one year's rent or more is due and in arrear before the  
 summons in such ejectment, where it shall be necessary to pro-  
 duce the counterpart of any lease, minute, or contract, contain-  
 ing an actual demise, if it shall appear to the court, that no  
 counterpart was perfected, or, if perfected, that such counterpart  
 is lost or so mislaid, that it cannot be produced and given in  
 evidence upon such trial, then and in such cases if the lessor or  
 lessors in such ejectment shall give in evidence the original lease,  
 minute, or contract, or a copy thereof, or a copy of such coun-  
 terpart, and that the lessee or lessees therein named enjoyed the  
 lands, tenements, or hereditaments, for which such ejectment  
 shall be brought, under such lease, minute, or contract, such  
 original

Where one  
 year's rent  
 due before  
 summons in  
 ejectment, and  
 it appears that  
 no counterpart  
 was perfected,  
 or lost, or mis-  
 laid, and that  
 lessee enjoyed  
 the original,  
 or a copy  
 thereof, or  
 copy of a  
 counterpart,  
 may be given  
 in evidence.

25 G. 2. 13.

original lease, or a copy thereof, or a copy of the counterpart, shall be of the same force and effect, as if the counterpart of such lease, minute, or contract had been produced and proved upon such tryal; any thing in the said former laws to the contrary notwithstanding. A. D. 1731. Chap. 4.

IV. And whereas many persons hold considerable estates by leases for lives or years, and lease out the same in parcels to several under-tenants: and whereas many of those leases cannot by law be renewed without a surrender of all the under-leases derived out of the same, so that it is in the power of any such under-tenants to prevent or delay the renewing the principal lease by refusing to surrender their under-leases, notwithstanding they have covenanted so to do, to the great prejudice of their immediate landlords the first lessees: for preventing such inconveniencies, and for making the renewal of leases more easy for the future, be it enacted by the authority aforesaid, That in case any leases shall be duly surrendered in order to be renewed, and a new lease made and executed by the chief landlord or landlords, the same new lease shall without a surrender of all or any the under-leases be as good and valid to all intents and purposes, as if all the under-leases derived thereout had been likewise surrendered at or before the taking of such new lease; and all and every person and persons, in whom any estate for life or lives, or for years, shall from time to time be vested by virtue of such new lease; and his; her, and their executors and administrators, shall be intitled to the rents, covenants, and duties, and have the like remedy for recovery thereof, and the under-lessees shall hold and enjoy the messuages, lands, and tenements, in the respective under-leases comprized, as if the original leases, out of which the respective under-leases are derived, had been still kept on foot and continued; and the chief landlord and landlords shall have and be intitled to such and the same remedy by distress or entry in and upon the messuages, lands, tenements, and hereditaments, comprized in any such under-lease, for the rents and duties reserved by such new lease, so far as the same exceed not the rents and duties reserved in the lease, out of which such under-lease was derived, as they would have had, in case such former lease had been still continued, or as they would have had, in case the respective under-leases had been renewed under such new principal lease; any law, custom, or usage to the contrary thereof notwithstanding.

Leases may be renewed without surrender of under leases:

lessors shall have like remedy against under lessees, and they shall enjoy, as if the original continued.

4 G. 2. 28. sec. 6. Eng.

V. And whereas it is a common practice among tenants to replevy distresses taken for rent, and then to stay proceedings on such replevins by injunction out of one of the courts of equity, which

A. D. which they are greatly encouraged to by the possibility of their  
 1731. bail being discharged by the death of some of the parties at law;  
 Chap. 4. and before judgment can be obtained at law: be it further  
 enacted by the authority aforesaid, That where any ejectment is  
 brought on the statutes for the non-payment of rent, or any  
 of them, or any distress is taken, or action brought for ar-  
 rears of rent, and the tenant files a bill in any court of equity  
 for an injunction to stop the proceedings at law for the reco-  
 very of such rent, no injunction shall issue for want of an answer;  
 unless the plaintiff shall verify by affidavit the material allegations  
 in such bill contained.

No in-  
 junction to  
 stop proceed-  
 ings at law  
 for rent shall  
 issue for want  
 of answer,  
 without affi-  
 davit verify-  
 ing material  
 allegations of  
 the bill.

VI. And whereas by an act of Parliament passed in the first  
 year of his present Majesty's reign, intituled, *An act for continuing  
 several temporary statutes made in this kingdom now near expiring,*  
 it is among other things enacted, " That in all suits, which  
 " shall be commenced by English bill in the high court of  
 " Chancery or court of Exchequer in this kingdom from and  
 " after the twenty fifth day of March one thousand seven hun-  
 " dred and twenty eight, it shall and may be lawful to and for  
 " the said courts of Chancery and Exchequer respectively to  
 " proceed to hear and determine all such causes depending be-  
 " fore them respectively, and to make such decree and decrees  
 " therein against every person and persons who shall appear to  
 " them to have been duly served with the process of the said  
 " courts, and to have stood out the process of the said courts  
 " to a sequestration, and to be only a trustee or trustees, and no  
 " otherwise concerned in interest in the matter in question, in  
 " such and the same manner as if such trustee or trustees had  
 " duly appeared and put in his or their answer:" and whereas a  
 doubt hath arisen, whether such trustee shall, when the cause  
 comes to a hearing, suffer a conditional decree, and be served  
 therewith before any final decree can be pronounced: for ex-  
 plaining the said doubt be it enacted and declared by the autho-  
 rity aforesaid, That no conditional decree shall be pronounced  
 against such trustee, but the court of Chancery and Exchequer  
 respectively shall hear and determine all such causes depending  
 before them respectively, and make such absolute decree and de-  
 crees therein in such and the same manner, as if such trustee had  
 duly appeared on such hearing.

[Doubt  
 thereupon,  
 whether there  
 should not be  
 only condition-  
 al decree  
 against trustee  
 standing out  
 process:]

the decree  
 shall be abso-  
 lute.

Plaintiff, on  
 judgment on  
*scire facias*,  
 where *nul tiel*  
 record plead-  
 ed, shall have  
 costs, as if by  
 verdict or de-  
 murrer.

VII. And be it further enacted by the authority aforesaid,  
 That if any person or persons shall hereafter sue forth any writ  
 or writs of *scire facias*, and shall recover and have judgment,  
 where plea of *nul tiel* record is pleaded, every such plaintiff or  
 plaintiffs so recovering judgment shall have and recover his and  
 their

their costs of suit in such *scire facias*, in the same manner as heretofore he, she, or they, might have, in case such recovery had been either by verdict or upon demurrer.

A. D.

1731.

Chap. 4.

VIII. And whereas the law is defective in the manner of sheriffs returning *devastavit* against executors and administrators; it frequently happening that sheriffs without any inquisition taken upon the oaths of twelve men, and without any knowledge of the matter, return *devastavit*, and take security from the plaintiffs to indemnify such sheriffs from all damages and actions on account of such return : and whereas it frequently happens, that executions are directed to sheriffs, of counties of towns, and to sheriffs of remote counties, where the defendants, who are executors or administrators, never had any assets or dealings, and such sheriffs are often prevailed upon to return *devastavit* : for remedy whereof be it enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and thirty two no sheriff or other officer shall return a *devastavit*, but upon an inquisition taken on the oaths of twelve lawful men of the county, to whom proper challenges may be taken ; and that the plaintiff or plaintiffs, his or their attorney or attorneys, or agents, shall give the defendant or defendants in such suit, or their attorney or known agent, fifteen days notice of the taking such inquisition before the taking thereof, and of the time and place of taking the same ; and that such inquisition shall not be taken in any county, where no evidence of a *devastavit* can be given, which was committed in such county, unless in cases where the intire *devastavit* committed shall appear to have been out of the kingdom.

No *devastavit* shall be returned but on inquisition on oaths of 12 of the county,

defendants having 15 days notice, the inquisition not to be in a county where no evidence of a *devastavit*, unless intirely committed out of the kingdom.

8 G. 1. 12. Sec. 9.

IX. And whereas by the act of the eighth of King George the first, intituled, *An act for the better enabling of the clergy having cure of souls to reside upon their respective benefices, and for the encouragement of protestant schools within this kingdom of Ireland*, all archbishops and bishops may make a grant of two acres of their land, and other ecclesiastical persons of one acre, for the use of a resident protestant school-master to teach the English tongue, and the fundamental principles of true religion : and whereas it does appear, that many popish children have been and are daily instructed in such English protestant schools : for the further encouragement of the same, be it enacted by the authority aforesaid, That it shall and may be lawful for all persons whatsoever seized in fee-simple, fee-tail, or for life, in possession in any lands, with immediate remainder over to his, her, or their own issue, by his, her, or their deeds respectively to grant any part of such lands, not exceeding one acre plantation measure, of the yearly value of thirty shillings, and being no part of the demesne

To encourage English protestant schools,

all tenants in fee, tail, or for life, in possession, immediate remainder to their issue, may grant to church-wardens for ever one acre, 30s.

A. D. 1731. **Chap. 4.** mesne lands usually occupied with, or reputed as demesne to, the mansion or chief dwelling-house belonging to such tenant in fee-simple, fee-tail, or for life, for the use of a resident protestant school-master to teach the English tongue to such children of poor papists; and all others as will resort to the same, and that the minister and church-wardens, and their successors for ever, of each respective parish, where such acre of land is or shall be so granted or set apart, shall be and are hereby impowered and made capable of receiving such grant or grants of land, not exceeding one acre plantation measure, for the use of such English resident protestant school-master to teach the English tongue, and to no other intent, use, or purpose whatsoever: provided that no such grantee or lessee shall be qualified to vote at the election of any member to serve in Parliament as a freeholder by virtue of such grant or lease.

yearly, no part of demesne, for resident protestant school-master to teach English.

Not to give a vote at elections.

X. And whereas many shopkeepers and tradesmen on their intermarriage enter into and execute deeds, instruments, or articles, whereby all the goods, chattels, and effects of such shopkeepers and tradesmen, whereof they are possessed at the times of their deaths, are made subject to the payment of several sums of money to or for the widow or children of such shop-keeper or tradesman, and such deeds, instruments, or articles, being kept secret, many other tradesmen, who on credit sell goods and merchandizes to such shopkeepers or tradesmen to furnish their shops, are often defrauded of their just debts, where there are not sufficient assets to pay the widow or children of such debtor such sum or sums by such articles, deed, or instrument, to be paid to or for her or them, and to satisfy the other debts of the deceased: wherefore be it enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and thirty two no articles, deed, instrument, writing, or other security, to be made, entered into, executed, or perfected by any tradesman or shop-keeper in the kingdom of Ireland, whereby all or any part of the goods, chattels, or effects, in the hands or custody of any person who entered into, or executed the same, after the time of his death shall or may be charged, liable to, or chargeable with, the payment of any sum or sums of money to or in trust for, or for the use, benefit, or behoof of the widow, child, or children of any such person so entering into, or executing the same, shall hinder or bar any creditor or creditors of such shop-keeper or tradesman from recovering his, her, or their debt or debts justly due and owing to him, her, or them, out of the goods, chattels, or assets of such shop-keeper or tradesman after the time of his death: but all and every such articles, deed, instrument, writing, or security, shall

Against secret articles by tradesmen.

no instrument by tradesman or shopkeeper, charging his goods after his death for his widow or children, shall bar his creditors, unless registered in 4 months.



shall be null and void as to all and every such creditor or creditors, unless the same, or a memorial thereof, be entered and registred in the registry-office appointed for registering deeds, wills, and conveyances, pursuant to acts of Parliament in that case made and provided, and in such manner as memorials of deeds, wills, and conveyances, are by the said acts, or either of them, directed or required to be registred, within the space of four months next after the time of executing, entering into, or perfecting such deeds, articles, instrument, or security, by such shop-keeper or tradesman.

A D.

1731.

Chap. 4.

XI. And whereas an act made in the last session of Parliament amongst other things to prevent unlawful combinations of workmen, artificers, and labourers, employed in the several trades and manufactures of this kingdom, and for the better payment of their wages, has proved ineffectual: be it enacted by the authority aforesaid, That from and after the first day of May, which will be in the year of our Lord one thousand seven hundred and thirty two, if any undertaker or journeyman shall beat, strike, or assault, any other journeyman for working for his or their employer, or shall be any way aiding or assisting therein; or if any undertaker or journeyman shall assault his master or employer, for employing whatsoever persons he shall judge proper in his work and service, each and every person so offending contrary to the tenor and intent of this act, being thereof upon complaint of the party or parties aggrieved lawfully convicted upon the oath or oaths of one or more credible witnesses or witnesses before any two or more justices of the peace for the county, city, town, or place, where such offence shall be committed, within three months after the offence committed (which oath the said justices are hereby impowered and required to administer) shall for every such offence forfeit and pay the sum of forty shillings; one half thereof to be given to the person or persons aggrieved, and the other half to the poor of the parish where such offence shall be committed: and for default of payment thereof such offender or offenders shall be committed to the common goal of the county, city, town, or place, where such offence shall be committed, there to remain without bail or mainprize for any term not exceeding three months.

3 G. 2. 14.

If undertaker or journeyman assaults another for working, or his master for employing persons,

penalty, 40 s. on conviction in 3 months, before 2 justices.

To the poor and party:

or imprisoned, not above three months.



*An act for allowing further time to persons in offices to qualify themselves pursuant to an act, intituled, An act to prevent the further growth of popery.*

Persons, who have incurred penalties by not qualifying pursuant to 2 Anne. 6. indemnified:

their acts valid:

so as they take the oaths, &c. by the 1 August 1732.

Not to restore to offices already avoided or filled.

**W**HEREAS several persons, well affected to his Majesty's government and the church of Ireland as by law established, have through ignorance neglected, or have been prevented by sickness or other accidental causes, to take and subscribe the oaths, and to make and subscribe the declaration, and to receive the sacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the second year of the reign of her late Majesty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties and forfeitures: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, who have incurred any penalties and incapacities in the said act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged of and from all incapacities, disabilities, forfeitures, and penalties incurred by reason of such omission or neglect as aforesaid; and that no act or acts done by them or any of them, or by authority derived from them or any of them, and not yet avoided, shall be questioned or avoided by reason of such neglect or omission: but all such acts shall be and are hereby declared and enacted to be as good and effectual, as if all and every such person and persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration in manner as aforesaid; any thing in the said act to the contrary notwithstanding: nevertheless so as such person or persons do and shall take and subscribe the said oaths, and receive the said sacrament, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as are directed and appointed by the said act, to prevent the further growth of popery, on or before the first day of August, which will be in the year of our Lord one thousand seven hundred and thirty two.

II. Provided, That this act, or any thing herein contained, shall not extend to restore or intitle any person or persons to any office or employment already actually avoided by judgment of any of his Majesty's courts of record, or filled up by any other person: but that such office or employment shall be and remain in the person or persons, who is or are now intitled by law to the same, as if this act had never been made.

C H A P. VI.

*An act for continuing several temporary statutes made in this kingdom, and now near expiring, and for the amendment of the statutes therein mentioned.*

WHEREAS an act passed in the eighth year of his late Majesty's reign, intituled, *An act for the further amendment of the laws in relation to butter and tallow casks, hides, and other commodities of this kingdom, and for preventing the destruction of salmon*; which said act was continued and amended by an act made in the tenth year of his said late Majesty's reign, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for the preventing the destruction of salmon*; which said act was explained and amended by another act made in the twelfth year of his said late Majesty's reign, intituled, *An act for explaining and amending an act, intituled, An act for continuing and amending of the laws in relation to butter and tallow, and the casks in which such goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the destruction of salmon*; which said acts are now near expiring, but being found to be extremely useful, are therefore fit to be continued: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every clause, article, and proviso therein contained, shall remain and continue in full force and effect, as they now stand, to all intents and purposes for the space of seven years from the end of this present session of Parliament, and from thence to the end of the then next session of Parliament, and no longer.

8 G. 1. 7.  
Butter, &c.

Continued  
and amended  
10 G. 1. 9.

Explained  
and amended  
12 G. 1. 5.

Further  
continued 7  
years, &c.  
and further  
by 13 G. 2. 12,  
and by 21 G.  
2. 7. with the  
alterations and  
amendments to  
29 Sept. 1769.

II. And whereas an act passed in this kingdom in the third year of the reign of his present most gracious Majesty King George the second, intituled, *An act for the better discovery of judgments in the courts of King's bench, Common pleas, and Exchequer at Dublin, and for the greater security of purchasers*, was made to continue and be in force for two years, and from thence

3 G. 2. 7.  
Judgments.

A. D. to the end of the then next session of Parliament, and no longer !

1731. and whereas an act passed in this kingdom, in the first year of  
Chap. 6. the reign of his present Majesty, intituled, *An act for the more*  
*speedy and effectual repair of bridges in the several counties of this*  
and 1 G. 2. kingdom, was made to continue and be in force for three years,  
3. Bridges. and to the end of the then next session of Parliament after the

Continued  
7 years, &c.

expiration of the said three years, and no longer ; which said acts are now near expiring, but, being found to be useful, are therefore fit to be continued : be it therefore enacted by the authority aforesaid, That all and every clause, article, and proviso therein contained shall be continued in full force, as they now stand, to all intents and purposes for the space of seven years from the end of this present session of Parliament, and from thence to the end of the then next session of Parliament, and no longer.

1 G. 2. 12.  
Tithes.

III. And whereas an act passed in this kingdom in the first year of the reign of his present Majesty, intituled, *An act for the more easy recovery of tythes and other ecclesiastical dues of small value* ; which said act was made to continue and be in force for the space of three years, and from thence to the end of the then next session of Parliament, and no longer : be it therefore enacted by the authority aforesaid, That all and every clause, article, and proviso therein contained shall be continued in full force, as they now stand, to all intents and purposes for the space of two years, and from thence to the end of the then next session of Parliament, and no longer ; subject nevertheless to the provisos following.

Continued  
2 years, &c.  
and 11 years,  
&c. by 25 G.  
2. 6.

But distress  
by said act  
shall be of  
goods nearest  
the value, and  
as can conveniently  
be taken,  
and if sale,  
by sworn appraisers,  
named by the justices.

IV. Provided always, That such distress, as shall be taken by virtue of the said act, shall be of such goods and chattels of the party, as shall be nearest to the value of the sum awarded by the judgment, and can conveniently be found or taken at the time of taking such distress ; and if sale thereof shall be made, it shall be upon the oath of sworn appraisers to be nominated by the said justices ; which justices are hereby empowered to tender them such oath.

After judgment  
as by said act, no  
suit in Exchequer  
or ecclesiastical court.

V. Provided also, That no clerk or other person, who shall make such complaint, and shall have had a hearing, and judgment shall have been given thereon, as by the said act is directed, shall for the same matter, for which he or they have so complained, commence any suit in his Majesty's court of Exchequer, or in any ecclesiastical court.

One justice  
may determine  
where the tithes  
not above 5s.

VI. And be it enacted by the authority aforesaid, That where the value of the tithes or other ecclesiastical dues demanded by any rector, vicar, curate, or other person, does not exceed the sum

sum of five shillings, one justice of the peace, qualified as the A. D. said act directs, shall have power to determine all controversies 1731. concerning the same in such manner, as two justices of the Chap. 6. peace may determine any such controversies by the said act.

VII. And whereas an act passed in this kingdom in the second year of the reign of her late Majesty Queen Anne, intituled, *An act for the exchange of glebes belonging to churches in this king- 2 Anne 10. Glebes.* kingdom; which act was made to continue for twenty one years and no longer; and was revived and continued by an act for continuing several temporary statutes made in this kingdom in the tenth year of King George the first to be in full force to the first day of September, which should be in the year of our Lord one thousand seven hundred and thirty one, and from thence to the end of the then next session of Parliament; and no longer; which said act is now near expiring, but, being found to be useful is therefore fit to be continued: be it therefore enacted by the authority afore said, That all and every clause, article, and proviso therein contained shall be continued in full force, as they now stand, to all intents and purposes for the space of twenty one years from the end of this present session of Parliament; and to the end of the next session of Parliament after the expiration of the said twenty one years. *Further continued 21 years, &c. and 4 years, by 23 G. 2. 8. and further 21 years, &c. by 29 G. 2. 8.*

VIII. Provided always, and be it enacted by the authority afore said, That during the said term it shall and may be lawful to and for any dean, archdeacon, dignitary, prebendary, rector, or vicar, or other person having cure of souls in this kingdom, to exchange with any archbishop, bishop, or other person, such glebe, or any part thereof, as is inconveniently situated, for land of equal value more conveniently situated, though not so near the church, by and with such consent and approbation, and in such manner, and under such rules and limitations, and to such purpose and effect, as in the said recited act are mentioned; and as if the same were herein particularly set forth. *Glebes may be exchanged for lands of equal value more convenient, tho' not so near the church, as by 2 Anne 10.*

IX. And whereas in and by one act made in this kingdom in the last session of this present Parliament, intituled, *An act to enable his Majesty to purchase in the respective interests of the several persons intitled to the houses and grounds adjoining to the new Parliament-house; 3 G. 2. 8. Parliament-house.* it is enacted, "That it shall and may be lawful to and for his Majesty, his heirs and successors, by one or more commission or commissions under the great seal of Ireland, to be executed and returned within the space of two years from and after the twenty fifth day of March one thousand seven hundred and thirty, to authorize and appoint  
" any

A. D.  
1731.

Commissioners appointed in pursuance thereof, the powers partly executed :

continued  
1 year.

Revived and continued to 25 March 1735, with further directions by 7 G. 2. 7.

“ any number of persons to be commissioners to execute the powers in the said act mentioned : ” and whereas his Majesty did by virtue of the said act by a commission under the great seal authorize and appoint certain commissioners to execute the powers in the said act mentioned, part whereof have been executed by the said commissioners, and other powers in the said act remain unexecuted ; be it therefore enacted by the authority aforesaid, That the said act, and all and singular the powers and authorities therein mentioned, or intended to be executed by the commissioners appointed in pursuance of the said act, shall be, remain, and continue in full force and virtue to all intents and purposes for the term of one year, to commence from the twenty fifth day of March one thousand seven hundred and thirty two ; and that the said commissioners appointed as aforesaid, or such other commissioners as his Majesty, his heirs or successors, by one or more commission or commissions under the great seal of this kingdom shall think fit to appoint, shall and may execute all the powers in the said act mentioned and hereby continued.

## C H A P. VII.

*An act for reducing the interest of money to six per cent.*

10 C. 1. 12.  
12 Anne 16.

8 G. 1. 13.  
12 C. 2. 13.

Eng.  
12 Anne 16.

stat. 2. Eng.  
Advantages

by reduction  
of interest.

Abatement  
in value of

merchandizes,  
by foreigners

underselling.

Interest at  
7 per cent. too

high.

Preventing  
improvement  
of land, &c.

**W**HEREAS the reducing of interest to eight, and from thence to seven, in the hundred hath by experience been found very beneficial to the advancement of trade and improvement of lands : and whereas at this time there is a very great abatement in the value of divers merchandizes, wares, and commodities of this kingdom both at home and also in foreign parts, whither they are transported ; which is in great measure occasioned by foreign merchants being enabled to procure money at less expence and for less interest, than the merchants in this kingdom ; by which means they can give greater prices for their native commodities and manufactures, and sell them cheaper abroad, by having a greater gain in proportion to their risque, from their freight cheaper by the lowness of interest : and whereas the value of lands would rise at home, and the owners and occupiers of lands would be enabled to improve them by fencing, draining, manuring, and otherwise cultivating them, and manufactures, and other useful arts, and fisheries might be improved, upon procuring money at an easy interest ; and also usurers, and others, who now live upon the interest of their money, would betake themselves to some useful art, calling, or trade, or become industrious improvers of the lands of this kingdom, which they cannot now do to any profit, whilst the interest on loan continues at so high a rate as seven pounds in the hundred pounds for a year ; which mischiefs cannot be prevented, nor improvements made, without reducing interest to a nearer proportion with the interest allowed for

for money in foreign states : be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That no person or persons whatsoever from and after the first day of May, which will be in the year of our Lord one thousand seven hundred and thirty two, upon any contract to be made after the said first day of May one thousand seven hundred and thirty two shall take directly or indirectly for loan of any moneys, wares, merchandizes, or other commodities whatsoever, above the value of six pounds *per cent.* for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, made after the time aforesaid for payment of any principal or money to be lent, or covenant to be performed upon or for any loan, whereupon or whereby there shall be taken or reserved above the rate of six pounds in the hundred as aforesaid, shall be utterly void; and that all and every person or persons whatsoever, which shall after the time aforesaid upon any contract to be made after the said first day of May, which will be in the year of our Lord one thousand seven hundred and thirty two, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevizance, shift, or interest, of any wares, merchandizes, or other thing or things whatsoever, or by any covin, engine, or deceitful way, means, or conveyances, for the forbearing or giving day of payment for one whole year of or for their money or other thing above the sum of six pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence the treble value of the moneys, wares, merchandizes, and other things so lent, bargained, sold, exchanged, or shifted.

A. D. 1731.  
Chap. 7.

no more than  
6 per cent.  
shall be taken  
hereafter.

Bonds, con-  
tracts, &c. for  
more, void.

Penalty tre-  
ble value on  
persons taking  
more by any  
corrupt bar-  
gain, loan, ex-  
change, or co-  
vin.

II. And be it further enacted by the authority aforesaid, That all and every scrivener and scriveners, broker and brokers, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the said first day of May, which will be in the year of our Lord one thousand seven hundred and thirty two, take or receive directly or indirectly any sum or sums of money, or other reward or thing, for brokage, soliciting, driving, or procuring the loan or forbearing of any sum or sums of money over and above the rate or value of five shillings for procuring the loan or forbearing of one hundred pounds for a year, and so rateably, or above twelve pence for making or renewing of the bond or bill concerning the same, shall forfeit for every such offence twenty pounds, and suffer imprisonment for half a year; the one

Brokers, &c.  
taking more  
than 5 s. for  
100 l. or than  
12 d. for mak-  
ing the bond,  
&c.

Penalty 20 l.  
and 6 months  
imprisonment.

A. D. 1731. moiety of all which forfeitures to be to our sovereign lord the King's Majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same in any of his Majesty's Four courts in Dublin by action of debt, bill, plaint, or information, in which no essoign, wager of law, or protection, shall be allowed.

All forfeitures to the King and prosecutor.

## C H A P. VIII.

*An act to enable idiots and lunaticks, who are seized or possessed of estates in fee, or for lives, or terms of years, in trust, or by way of mortgage, to make conveyances, surrenders, or assignments of such estates; and to prevent delay in suits in equity where trustees cannot be found.*

4 G. 2. 10.  
Eng.

Idiots or lunaticks being trustees or mortgagees, or the committees in their name, may by order of lord chancellor on petition make conveyances as thereby directed.

WHEREAS many inconveniencies do and may arise by reason that persons, being idiot, lunatick, or *non compos mentis*, having estates in lands, tenements, or hereditaments, in trust only for others, or by way of mortgage, cannot, though by the direction of the *cestique trust* or mortgagor, convey any sure estate in any such lands, tenements, or hereditaments, to any other person or persons: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March one thousand seven hundred and thirty two it shall and may be lawful to and for any such person or persons, being idiot, lunatick, or *non compos mentis*, or for the committee or committees of such person or persons in his, her, or their name or names, by the direction of the lord chancellor of Ireland, or the lord keeper or commissioners of the great seal of Ireland for the time being, signified by an order made upon hearing all parties concerned on the petition of the person or persons, for whom such person or persons, being idiot, lunatick, or *non compos mentis*, shall be seized or possessed in trust, or of the mortgagor or mortgagors, or of the person or persons intituled to the money secured by or upon any lands, tenements, or hereditaments, whereof any such person or persons being idiot, lunatick, or *non compos mentis*, is, or are, or shall be seized or possessed by way of mortgage, or of the person or persons intituled to the redemption thereof, to convey and assure any such lands, tenements, or hereditaments, in such manner as the lord chancellor of Ireland, or lord keeper or commissioners of the great seal of Ireland, shall by such order so to be obtained direct, to any other person or persons; and such conveyance or assurance, so to be had and made



made as aforesaid, shall be as good and effectual in law to all intents and purposes whatsoever; as if the said person or persons, being idiot, lunatick, or *non compos mentis*, was or were at the time of making such conveyance or assurance of sane mind, memory, and understanding, and not idiot, lunatick, or *non compos mentis*, and had by him, her, or themselves executed the same; any law, custom, or usage to the contrary in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That all and every such person and persons, being idiot, lunatick, or *non compos mentis*, and only trustee or trustees, mortgagee or mortgagees as aforesaid, or the committee and committees of all and every such person and persons; being idiot, lunatick, or *non compos mentis*, and only such trustee or mortgagee as aforesaid, shall and may be impowered and compelled by such order; so as aforesaid to be obtained, to make such conveyance or conveyances, assurance or assurances, as aforesaid in like manner, as trustees or mortgagees of sane memory are compellable to convey, surrender, or assign their trust, estates, or mortgages: and whereas it is often necessary in causes depending in courts of equity, to make persons defendants, who are only trustees, and no otherwise concerned in interest in the event of such suits: and whereas it sometime happens that such trustees, their heirs, executors, or administrators, when parties to such suits, being gone into remote or foreign parts, notwithstanding diligent search and enquiry is made after them, cannot be found, so as to serve them with the process of such courts to compel them to appear, whereby the suitors complaining are put to great expence and delay: for remedy whereof be it enacted by the authority aforesaid, That in all suits, which are or shall be commenced by English bill in the high court of Chancery or court of Exchequer in this kingdom, where any person or persons is or are made defendant or defendants in any such suit, and it shall be made appear to the court by affidavit, that such defendant or defendants is or are only a trustee or trustees, and that diligent search and enquiry has been made after such defendant or defendants, to serve him, her, or them, with the process of the court, and that he, she, or they, cannot be found, then and in such case it shall and may be lawful to and for the said courts of Chancery and Exchequer respectively, to hear and determine all such causes now depending, or which hereafter shall depend, before them, and to make such absolute decree and decrees therein against every person or persons, who shall appear to them to be only a trustee or trustees, and no otherwise concerned in interest in the matter in question, in such and the same manner as if such trustee or trustees had been duly served with the process of the court, and had appeared and filed his, her, or their answer thereto,

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1731.

Chap. 8.

Compellable thereto.

Where trustees defendants in equity not to be found on diligent search, and affidavit thereof, an absolute decree may be made, as if served with process, appeared, &c.

1731. A. D. thereto, and also as if such trustee or trustees had appeared by their council and clerk at the hearing of such cause or causes, that are or shall be commenced in the said courts of Chancery or Exchequer; any law or usage of the said courts to the contrary notwithstanding.

III. Provided always, That no decree so to be obtained shall bind, affect, or in any wise prejudice, any person against whom such decree shall be made, without service of process upon him or her as aforesaid, his or her heirs, executors, or administrators, for or in respect of any estate, right, or interest, which such person shall have at the time of making such decree, for his or her own use or benefit, or otherwise than as a trustee as aforesaid.

except so far  
as concerned  
in interest.

#### C H A P. IX.

*An act to encourage the improvement of barren and waste land and boggs, and planting of timber trees and orchards.*

On petition  
in Chancery  
or Exchequer  
to ascertain  
bounds of  
bogs, &c.

and affidavit  
of personal  
service of co-  
pies on pro-  
prietors and  
tenants in pos-  
session 30  
days before,  
commission  
shall issue to  
7 or more,

WHEREAS there are great tracts of unprofitable bogg and low grounds overflown by rivers, loughs, or the sea; which might be taken in, drained, and improved, if the property thereof was settled, and due encouragement given thereto: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That where any person or persons shall be seized or possessed of any lands contiguous or adjoining to any bogg, moss, or lough, or to ground between the flux and reflux of the sea, and shall be desirous to settle and ascertain the mears and bounds thereof with the proprietors of the other lands adjoining to or on the other side or sides of the same, such person or persons may exhibit an English petition in his Majesty's high court of Chancery, or in his Majesty's court of Exchequer in this kingdom, against the proprietor or proprietors of the other part or parts of such bogg, moss, lough, or ground, or of the lands adjacent to the same, desiring such mears and bounds to be ascertained as aforesaid; and upon proof made by affidavit of such proprietors, and the tenants in possession being personally served with copies of such petition at least thirty days before the time appointed for hearing the matter thereof, it shall and may be lawful to and for the court, in which such petition was so exhibited, to issue a commission to seven or more commissioners (for which commission the like fees shall be paid as for a commission to examine witnesses, and no more) empowering and requiring such commissioners, or any five or more of them, by examination of witnesses

witnesses upon oath, which oath they are hereby impowered to administer, and by the verdict of a jury of twelve men, to be returned on the precept of such commissioners by the sheriff of the county, in which such lands lye, or, if they lye in two counties, then one equal moiety of such jury to be returned out of each of such counties by the several sheriffs thereof to inquire of and ascertain the old mears and bounds of such bogg, moss, or lough, or ground between the flux and reflux of the sea, if there be any such; but if no such old mears and bounds appear to them, then to make, lay out, and ascertain such reasonable mears and bounds between the petitioners and other proprietors in the petition mentioned, regard being had to the length of the profitable land adjoining to such bogg, moss, lough, or ground belonging to such several proprietors, as to them or the major part of them shall seem meet and reasonable; and where a drain shall be necessary to carry off the water from such bogg, moss, or lough, the said commissioners, or the major part of them, shall and may lay out and ascertain the same, and the length, breadth, and depth of such drain, and likewise order and appoint what part or proportion thereof shall be made or done by the said several proprietors, with regard to the benefit that each of them may receive thereby; and whatever shall be done by virtue of such commission, the said commissioners or the major part of them shall return under their hands and seals into the court, out of which such commission issued; whereupon such court shall and may make such order or orders for confirming, altering, or amending such return, or may set aside the same, and issue a new commission, as to such court shall seem just and reasonable; but if no complaint be made to the court, out of which such commission issued, against such return within thirty days next after the filing thereof, in case the same be filed in term time, or in the next term after the filing thereof in case the same shall be filed in time of vacation, then and from thenceforth such return shall stand and be confirmed; and such return confirmed, altered, or amended by the court, and any order thereupon made, shall bind and be conclusive to all the parties to the said proceedings, and all persons claiming or deriving any estate, right, title, or interest, in or to the said lands, or any part thereof, by, from, or under them, or either of them.

II. Provided always, That not less than twenty four men shall be returned, out of which such jury may be taken; and that all the said parties may have their lawful challenges to the persons so returned, in like manner as in cases of tryals in actions at law.

III. And be it further enacted by the authority aforesaid, That if any of the said proprietors after three months notice in writing given to them shall neglect or refuse well and sufficiently to

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make

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Chap. 9.  
any 5, by examination on oath and a jury returned by the sheriff (or sheriffs if in 2 counties) shall ascertain the old bounds, or, if none appear, lay out reasonable bounds, regarding the length of the profitable land adjoining; and lay out drains, where necessary, and order the proportion to be made by proprietors, according to benefit received by each.  
Proceedings under the commissions returned under hand and seal to the court; to be confirmed, altered, or set aside.  
Return, if not complained of in 30 days or next term, confirmed; and conclusive to parties, &c.  
no less than 24 to be returned: Challenges as on trials at law.  
Any proprietors after 3 months notice in writing not making their

A. D. 1731. Chap. 9. make his or their part and proportion of such drain according to the order of such commissioners as aforesaid, then and in such case it shall and may be lawful to and for the other proprietor and proprietors to make such drain, and then to sue and prosecute such proprietor or proprietors, neglecting to make their part of such drain as aforesaid, by civil bill at the assizes for the county in which such drain or any part thereof lyeth, or at the quarter-sessions of the peace, if in the county of Dublin, for such sum or sums of money as his or their part or proportion of such drain to be made shall amount unto.

No one to pay above 1 s. and 6 d. per perch, or 10 l. in the whole in 1 year.

IV. Provided always, That no one proprietor shall be lyable to pay more than one shilling and six pence for each perch, containing twenty one feet in length, of such drain, or be compelled to pay more than ten pounds in the whole towards making such drain as aforesaid in any one year.

Proprietor, having determinable interests, shall hold such bogs, &c. till refunded,

if his term less than 7 years, all the money expended or recovered, if 7 years, 3 parts in 4,

if 1 life, courtesy, dower, or 14 years, 2 parts in 3,

if 2 lives or 21 years, 1 fourth,

if 3 lives, 21 years, or above, no allowance.

V. And be it further enacted by the authority aforesaid, That if any such proprietors, who shall make such drain, or against whom any sum or sums of money shall be recovered on account thereof as aforesaid, happen to be only tenants for life or years, such tenants after the determination of their respective estates, and their respective executors, administrators, and assigns, shall hold and enjoy such bogs, moss, or lough, or ground taken in from the sea, until they shall out of the yearly rents, issues, and profits thereof be paid the sums following; (that is to say) if such proprietor at the time of filing the return on the said commission be possessed of a term less than seven years, then until he be paid all such sum or sums of money, as he shall have so expended, or has been recovered against him as aforesaid; but if at such time he hath a term unexpired of seven years, then until he receive three parts in four of such sum or sums of money; but if at such time such proprietor be a tenant for one life, or by the courtify, or in dower, or have a term of fourteen years unexpired, then until he or she receive two parts in three of such sum or sums of money; but if he have a term for two lives or for twenty one years unexpired, then until he be paid one fourth part of such sum or sums of money expended or recovered as aforesaid; but if at such time he hath a term for three lives or for thirty one years unexpired, or any greater or longer estate or term than thirty one years or three lives, such proprietor shall have no payment or allowance whatsoever upon account of the said drain, when such estate or term is determined.

Barren ground, &c. converted into arable or meadow, discharg-

VI. And be it further enacted by the authority aforesaid, That all barren, heath, and moory ground, mountain, bogg, moss, and land taken in and enclosed from the sea, or any lough or river, which by reason or means of drains, banks, walls, or dikes, shall be

be improved and converted into arable or meadow land, shall be A. D. exempt and discharged from payment of tythes for any hemp, flax, 1731. or rape growing thereon, during the term of seven years next after Chap. 9. the time of improving and taking in thereof.

VII. Provided always, That no land shall be discharged from the said tythes within the meaning of this act, which at any time before such improving or taking in ever paid tythes for any corn, hay, hemp, flax, rape, or potatoes.

VIII. Provided also, That no land shall within the meaning of this act be discharged from paying for tythe thereof such sum or sums, as the said land paid for any one of the preceding seven years.

IX. And whereas by an act made in this kingdom in the eighth year of the reign of his late Majesty King George the first, intituled, *An act for repealing part of an act passed in the tenth year of King William the third, intituled, An act for planting and preserving timber trees and woods, and also for giving further encouragement to plant and preserve timber trees and woods*, one third part of all timber trees are given to the tenant or persons therein mentioned, that plant the same: be it enacted by the authority aforesaid, That such tenant or person instead of such third part shall have an equal moiety of all such trees, as he or they shall hereafter plant in pursuance of the said act.

X. And to encourage the planting of orchards in this kingdom, be it enacted by the authority aforesaid, That if any tenant for life or years shall graft or plant from the seed any apple or pear-trees in proper ground well fenced and duly preserved, so as to leave the same bearing and profitable trees at the end of the said estate or term, such tenant, his executors or administrators, shall then receive and be paid for every such tree, not being above twenty years old, the sum of one shilling by the person or persons, who at the expiration of such estate or term shall be intitled to or possess the lands; to be recovered by civil bill if such sum do not exceed ten pounds, but, if it exceed such sum of ten pounds, then to be recovered by action of debt in any of his Majesty's courts of record; wherein no essoin, protection, or wager of law, shall be allowed, and no more than one imparlance.

ed from tithes for hemp, flax, or rape, 7 years.

2 & 3 E. 6.

13. Sec. 5.

Eng.

but not if ever before they paid tithes for corn, hay, &c.

nor discharged from the

sum paid for tithes any one

of the pre-

ceding 7

years.

Recital of

8 G. 1. 8.

Planters of

trees pursuant

thereto, in-

stead of 1

third, shall

have a moiety.

9 G. 2. 7.

if tenant

life or years,

graft or plant

and preserve

apple or pear-

trees, and

leave bearing

and profitable,

reversioner

shall pay 1 s.

every tree not

above 20 years

old,

by civil bill

if not above

10l.

*An act for the more effectual punishing stealers of lead or iron bars fixed to houses, or any fences belonging thereunto.*

4 G. 2. 32.  
Eng.

To steal or break, &c. with intent to steal, lead, bars, &c. fixed to any building, or in a garden, &c. or locks or hinges, felony,

transportation 7 years,

abettors liable as if they stole.

**W**HEREAS the pernicious practice of stealing lead, iron-bars, iron-gates, iron-pallisadoes, and iron-rails, and brass and iron-knockers fixed to dwelling-houses, out-houses, coach-houses, stables, and other buildings, and fixed in gardens, orchards, court-yards, fences, and out lets belonging to dwelling-houses and other buildings, hath of late time being much used to the great detriment of his Majesty's subjects, and it is necessary for the more effectual preventing of such offences to inflict a more exemplary punishment on such offenders, than by the laws of this realm can now be done: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March one thousand seven hundred and thirty two all and every person and persons, who shall steal or rip, cut or break with intent to steal, any lead, iron-bar, iron-gate, iron-pallisado, or iron-rail, or brass or iron-knockers whatsoever, being fixed to any dwelling-house, out-house, coach-house, stable, or other building used or occupied with such dwelling-house, or thereunto belonging, or to any other building whatsoever, or fixed in any garden, orchard, court-yard, fence or outlet belonging to any dwelling-house or other building, or any locks or hinges of gates of parks, or other inclosures, shall be deemed and construed to be guilty of felony, and every such felon and felons shall be subject and lyable to the like pains and penalties as in cases of felony; and the court, by and before whom such person or persons shall be tried, shall and hereby have power and authority to transport such felons for the space of seven years, in like manner as other felons are directed to be transported by the laws and statutes of this realm; and all and every person and persons, who shall be aiding, abetting, or assisting in stealing, or in such ripping, cutting, or breaking any lead, iron-bar, iron-gate, iron-pallisado, or iron-rail fixed to any dwelling-house, out-house, coach-house, stable, or other building, or fixed in any garden, orchard, court-yard, fence, or outlet, belonging to any dwelling-house or other building, shall be subject and liable to the same punishments, as if he, she, or they had stolen the same.

II. And

II. And whereas the open practice of buying at low prices all A. D. stolen lead and iron hath been found greatly to encourage the 1731. stealing thereof, and it hath been found by experience, that Chap. 10. the receivers are sheltered from and often escape prosecution by the difficulty put on the prosecutor, as the law now stands, to make proof thereof so as to convict offenders: for remedy whereof, and for the more effectual preventing the buying or receiving of any stolen lead or iron, be it enacted by the authority aforesaid, That on search made by warrant of any one justice of the peace, or chief magistrate or magistrates of any city, town, or place within his or their respective jurisdiction, if any lead or iron so stolen, ript, cut, or broke as aforesaid, shall be found in the possession of any person or persons, that such person or persons shall make proof, that the said lead or iron was fairly and honestly bought or acquired; and in default thereof such person or persons, with whom such lead or iron shall be found, shall be adjudged and deemed to be the person or persons, who stole the same, or the receiver or receivers thereof knowing the same to be stolen, and, being thereof lawfully convicted, shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding six calendar months, or shall be subject to fine and imprisonment, as the judge or judges, before whom such person or persons shall be tried for such offence and convicted as aforesaid, shall think reasonable and just, but shall not be subject to any capital punishment, nor to be transported as aforesaid.

To prevent buying or receiving stolen lead or iron, and remove difficulty on prosecutor, they, in whose possession found on search by warrant, shall prove it fairly acquired,

or deemed to have stolen or received knowingly, and on conviction sent to house of correction 6 months, or fined and imprisoned:

IV. And be it further enacted by the authority aforesaid, That this act be publickly read at the four quarter-sessions of every county in this kingdom for the space of two years next after the commencement of this act.

read at the 4 sessions for 2 years.

III. Provided always, That this act shall continue in force for the space of two years from the twenty fifth day of March one thousand seven hundred and thirty two, and from thence to the end of the then next session of Parliament, and no longer.

Continuance 2 years, &c. 7 G. 2. 7. continued. 13 G. 2. 4. perpetual.

A. D.

1731.

## C H A P. XI.

*An Act for explaining and amending an act made in the twenty eighth year of the reign of King Henry the eighth, intituled, An act for the wears upon the Barrow, and other waters in the county of Kilkenny.*

28 H. 8. 22.  
recited.

The end  
thereof not  
answered, as  
no penalty on  
persons re-  
pairing wears,  
&c. broken.

Persons re-  
pairing wears,  
&c. removed  
as by said act,

penalty 1st  
offence, 50 l.

100 l. after-  
wards.

to the King  
and prosecu-  
tor.

Persons sued  
for acting may  
plead general  
issue, &c.

**W**HEREAS by a statute, made in this kingdom in the twenty eighth year of the reign of King Henry the eighth, it is among other things enacted, " That it shall and  
" may be lawful and justifiable for any person or persons in  
" the counties of Kildare, Catherlough, Wexford, Kilkenny,  
" Waterford, and Tipperary, in company with any sheriff or  
" seneschal of any county aforementioned to prostrate and break,  
" and cause to be prostrated and broken, from time to time all  
" wears, purprestures, engines, streights, or other like obstacles  
" erected or to be erected in any of the rivers or waters of  
" Shute, Nore, Barrow, and Rye, and also to leave a convenient  
" gap or place for boats and other vessels to pass and repass in,  
" of, upon, and through every mill-pond made or to be made  
" in any of the said rivers or waters;" which statute does not  
effectually answer the good ends and purposes intended thereby,  
because there is no penalty on persons, who shall repair the said  
wears, purprestures, engines, streights, or other like obstacles,  
after they are so broken down: for remedy whereof be it enacted  
by the Kings most excellent Majesty by and with the advice  
and consent of the lords spiritual and temporal and commons in  
this present Parliament assembled, and by the authority of the  
same, That from and after the first day of March in the year  
of our Lord one thousand seven hundred and thirty one if any  
person or persons shall repair, or cause to be repaired, any  
wear, purpresture, engine, streight, or other like obstacle,  
which shall be broken down or removed by authority of the  
said recited statute, every person or persons so offending shall for  
the first offence forfeit the sum of fifty pounds, and for the se-  
cond and every other offence respectively the sum of one hundred  
pounds; to be recovered in any of the King's courts by action  
of debt, bill, plaint, information, or otherwise, wherein no es-  
soin, protection, or wager of law, and no more than one impar-  
lance, shall be admitted or allowed; the one moiety to the use of  
the King, his heirs and successors, and the other moiety thereof  
to the party that will sue for the same.

II. Provided also, and be it further enacted by the authority  
aforesaid, That if any person or persons whatsoever shall be sued

or



or prosecuted for or by reason of any matter or thing, which he or they shall do in pursuance of the said recited act, it shall and may be lawful to and for the person or persons so sued and prosecuted to plead the general issue, and to give the special matter in evidence; and if a verdict shall be given for the defendant or defendants in such action, or the plaintiff, or plaintiffs become nonsuit, or suffer any discontinuance thereof, in such case such defendant or defendants shall have his or their treble costs, which he or they shall have sustained in such action or suit, for which the said defendant or defendants shall have the like remedy, as in other cases where costs are given to defendants.

A. D.  
1731.

and have  
treble costs.

III. Provided always, That this act or any thing herein contained shall not extend, or be construed to extend, to prevent any fisherman, or his apprentice or apprentices lawfully authorized, from fishing in navigable rivers or waters with lawful nets and engines; but that every of them shall and may, according to the laws and orders made and to be made and settled for the good order, rule, and government of such navigable rivers and waters, use the trade of fishing, as they lawfully might have done before the making of this act; any thing in this act contained to the contrary notwithstanding.

Fishermen  
or apprentices  
may use law-  
ful nets and  
engines in na-  
vigable rivers  
or waters.

# C H A P. XII.

*An act to prevent the throwing or firing of squibs, serpents, and other fire-works.*

WHEREAS much mischief hath happened by throwing, casting, and firing squibs, serpents, and other fire-works: for remedy whereof for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled; and by the authority of the same, That from and after the first day of May, which will be in the year of our Lord one thousand seven hundred and thirty two, it shall not be lawful for any person or persons of what age, sex, degree, or quality soever, to make or cause to be made, or sell or utter, or offer or expose to sale any squibs, rockets, serpents, or other fire-works, or any cases, moulds, or other implements, for the making any such squibs, serpents, rockets, or other fire-works; or for any person or persons to permit or suffer any squibs, serpents, rockets, or other fire-works to be cast, thrown, or fired from, out of, or in his, her, or their house or houses, lodgings, or habitations, or from, out of, or in any part or place thereto

9 & 10 Wil.  
3. 7. Eng.

No person  
whatsoever  
shall make,  
sell, &c. fire-  
works, or im-  
plements for  
making them;

or suffer  
them to be  
thrown out of  
their houses,  
&c.

A. D. thereto belonging, or adjoining unto any publick street; highway, road, or passage; or for any person or persons of what degree, quality, or age soever, to throw, cast, or fire, or to be aiding or assisting in the throwing, casting, or firing of any squibs, serpents, rockets, or other fire-works, in, or into any publick street, house, shop, river, highway, road, or passage; and that every such offence shall be, and is hereby adjudged to be, a common nuisance.

or in any street, &c. or assist therein,  
deemed common nuisance,

II. And be it further enacted by the authority aforesaid, That if any person or persons of what age, sex, degree, or quality soever, from and after the said first day of May shall make or cause to be made, or shall give, sell, or utter, or offer to expose to sale, any squibs, rockets, serpents, or other fire-works, or any cases, moulds, or other implements for the making any such squibs, rockets, serpents, or other fire-works, that then every such person or persons so offending, and being thereof convicted before one or more justice or justices of the peace of the county, limits, division, corporation, or liberty, or chief magistrate of the place, where such offence shall be committed, either by the confession of the party or parties so offending, or the oaths of two witnesses (which oaths the said justice or justices of the peace or chief magistrate is and are hereby impowered and required to administer) shall for every such offence forfeit the sum of five pounds; and if any person or persons whatsoever from and after the said first day of May shall permit or suffer any squibs, serpents, rockets, or other fire-works to be cast, thrown, or fired from, out of, or in his, her, or their house or houses, shops, dwelling, lodging, or habitation, or from, out of, or in any part thereof, or place thereto belonging, or adjoining unto any publick street, highway, road or passage, or any other house or place whatsoever; that then every such person or persons so as aforesaid last offending, and being thereof as aforesaid convicted, shall for every such offence forfeit the sum of twenty shillings; the said several forfeitures to be levied by distress and sale of the goods and chattels of every such offender by warrant under the hand and seal of the said justice or justices of the peace, or chief magistrate, before whom the conviction or convictions shall be as aforesaid made; the one half of the said forfeitures to be to the use of the poor of the parish where every such offence shall be committed, and the other half to the use of him or them who shall prosecute and cause such offender or offenders to be as aforesaid convicted.

penalty 5 l. on the makers, sellers, &c.

on conviction before a justice, &c. by confession or 2 witnesses.

Penalty 20 s. on persons suffering to be thrown, &c. as aforesaid,

levied by distress by warrant,

to the poor and prosecutor.

Penalty 20 s. on persons throwing them in the street, &c. or assist-

III. And be it further enacted by the authority aforesaid, That if any person or persons of what age, sex, degree, or quality soever from and after the said first day of May shall throw, cast

cast, or fire, or be aiding or assisting in the throwing, casting, or firing of any squibs, rockets, serpents, or other fire-works, in, or into any publick street, house, shop, river, highway, road, or passage, that then every person so offending, and being thereof as aforesaid convicted, shall for every such offence forfeit the sum of twenty shillings to the uses aforesaid; and if the person or persons so as aforesaid last offending shall not, immediately upon his, her, or their being thereof as aforesaid convicted, pay to the said justice or justices of the peace or chief magistrate, before whom such conviction shall be as aforesaid made, the said forfeiture or forfeitures for the uses aforesaid, that then every such justice or justices of the peace, or chief magistrate, is and are hereby impowered and required by warrant under his or their hands and seals, to commit every such person or persons, so as aforesaid last offending, to the house of correction within the county, division, limits, corporation, or liberty, where such offence, as is last mentioned shall be committed, there to remain to be set and kept at hard labour, without bail or mainprize, for any time not exceeding one month, unless such offender, as is last mentioned, shall sooner pay such forfeiture or forfeitures to the said justice or justices of the peace or chief magistrate.

A. D. 1731.  
Chap. 12.  
ing, to uses aforesaid, if not paid immediately on conviction, sent to house of correction for a month, if not paid sooner.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the master, lieutenant, or commissioners of his Majesty's ordnance for the time being, or any other person or persons, to be by them, or any of them authorized, to give orders and directions for the making any sorts of fire-works, to be used and fired according to such orders and directions as shall be from time to time given by the said master, lieutenant, or commissioners of his Majesty's ordnance, or any other person or persons to be by them for that purpose authorized; any thing herein contained to the contrary in any wise notwithstanding.

Officers of the ordnance excepted.

V. And be it further enacted by the authority aforesaid, That if any person be at any time sued for putting in execution this act, or any the powers therein contained, that then such person so sued shall and may plead the issue of not guilty, and give the special matter in evidence; and if the plaintiff in such suit or action be nonsuited, or a verdict pass for the defendant, or if such plaintiff discontinue his action, or if upon a demurrer judgment be given for the defendant, every such defendant shall have his full treble costs to be paid by such plaintiff, and the like execution for the same as in any case, where costs are given at law for the defendant.

Persons sued for acting may plead general issue, &c.

and have treble costs.

A. D.

1731.

C H A P. XIII.

*An act for the better regulation and government of seamen in the merchants service.*

2 G. 2. 36.  
*Eng.*  
 Desertion of  
 mariners from  
 merchant's  
 service, and  
 neglect of du-  
 ty,  
 prejudice to  
 owners and  
 discouragement to navi-  
 gation and  
 trade.

No master  
 of a ship shall  
 carry mariners,  
 except his ap-  
 prentices, to  
 sea, without  
 previous con-  
 tract in writ-  
 ing for wages,  
 and expressing  
 the voyage,

**W**HEREAS the welfare and riches of this kingdom, and the livelyhoods of great numbers of artificers and manufacturers therein, depend on the trade and navigation thereof: and whereas for several years last past the navigation carried on by the merchants to parts beyond the seas hath been, and doth still remain, under very great difficulties and expences by the uncertainty they labour under by seamen and mariners, who ship themselves on board merchant ships, and, after they have so done, neglect their duty, and will not remain on board their ships or vessels to discharge their duty; and very often, when ships and vessels come to be cleared out in order to proceed on their respective voyages, the seamen refuse to proceed with them without coming to new agreements for increasing their wages, and many of them will leave their ships and vessels and not proceed on their voyages; which puts the owners of such ships and vessels to great trouble and charges to get other sailors or mariners in their stead, and often is a means to overset the voyages of such ships and vessels, to the great prejudice of the owners and freighters of the goods on board the said ships and vessels; and yet such seamen and mariners, after they have committed such offences and disorders, will bring actions against the owners or masters of the said ships and vessels for recovery of their wages from the time of their shipping themselves, unto the time they quit the said ships and vessels: and whereas many of the said seamen and mariners will neglect their duty when on board at sea, and desert their ships and vessels in foreign parts, which puts the said owners of ships and vessels to very great difficulties and expences to get others in their stead to bring their ships and vessels home; and afterwards such seamen and mariners insist on recovering their wages notwithstanding their voluntary desertion; all which is a great discouragement to trade and navigation: therefore to prevent such practices for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fifth day of April one thousand seven hundred and thirty two it shall not be lawful for any master or commander of any ship or vessel, bound to parts beyond the seas, to carry any seamen or mariners, except

cept his apprentice or apprentices, to sea from the port or place where he or they were entred or shipped to proceed on any voyage to parts beyond the seas, without first coming to an agreement or contract with such seamen or mariners for their wages; which agreement or agreements shall be made in writing, declaring what wages each seaman or mariner is to have respectively during the whole voyage, or for so long time as he or they shall ship themselves for, and also to express in the said agreement or contract the voyage, for which such seaman or mariner was shipped to perform the same; and in case any master or commander of any ship or vessel shall carry out any seaman or mariner, except his apprentice or apprentices, upon any voyage to parts beyond the seas without first entring into such agreement or contract as aforesaid, and he and they signing the same, such master or commander shall forfeit and pay the sum of five pounds for every such seaman and mariner, which he shall carry to sea without entring into such agreement in writing as aforesaid; to be recovered upon information on the oath of one or more witness or witnesses before any one or more of his Majesty's justice or justices of the peace, who are hereby authorized and required to issue out his or their warrant or warrants to bring before him or them such master or commander of any such ship or vessel; and, in case he or they refuse to pay such penalty or forfeiture as aforesaid, to grant his or their warrant or warrants to levy the same by distress and sale of the offenders goods; and, in case no distress can be found, to commit the offender or offenders to the common goal of the city, county, town, or place, there to remain until he or they shall pay the same; such forfeiture to be to the use of the Blue coat-hospital and Free-school of King Charles the second in Dublin.

A. D. 1731.  
Chap. 13.

Penalty 5 l.  
every mariner,

on information on oath  
before a justice,

on non-payment, levied  
by distress,

or imprisonment till paid,  
to blue-coat-hospital and  
K. C. 2d. free-school.

II. And be it further enacted by the authority aforesaid, That if any seaman or mariner enter or ship himself on board any merchants ship or vessel on any intended voyage for parts beyond the seas, he or they so entring themselves as aforesaid shall, and they are obliged to, sign such agreement or contract within three days after he or they have entred themselves on board any ship or vessel in order to proceed on any voyage as aforesaid; which agreement or agreements, or contracts, after the signing thereof shall be conclusive and binding to all parties for and during the time and times so agreed or contracted for to all intents and purposes; any custom or usage to the contrary in any wise notwithstanding.

Mariners to sign the agreement in 3 days after entred on board,

the agreement binding during the time, notwithstanding any custom.

III. And be it enacted and declared by the authority aforesaid, That in case any seaman or mariner shall desert or refuse to proceed on the voyage on board any ship or vessel bound to parts beyond the seas as aforesaid, or shall desert from the ship or vessel,

Mariners deserting, or refusing to proceed, forfeit to owners wages due

to

A. D. to which he or they shall belong, in parts beyond the seas, after  
 1731. he or they have signed such contract or agreement, he or they  
 Chap. 13. shall forfeit to the owners of such ship or vessel the wages, which  
 shall be due to him or them at the time of his or their de-  
 serting such ship or vessel, or obstinately refusing to proceed on  
 such voyage.

any justice,  
 on application  
 by the master,  
 &c. may issue  
 warrant to ap-  
 prehend ma-  
 riners desert-  
 ing,

IV. And be it further enacted by the authority aforesaid,  
 That in case any such seaman or mariner shall desert or absent  
 himself from any such ship or vessel, after he or they have entred  
 into and signed such contract or agreement to proceed upon any  
 voyage to parts beyond the seas as aforesaid, upon application  
 made to any of his Majesty's justices of the peace within their  
 respective jurisdictions by the master or commander, owner or  
 owners, or other person or persons having charge of the said ship  
 or vessel, to which such seaman or mariner did belong; it shall  
 and may be lawful for such justice or justices, and they are here-  
 by required, to issue forth his or their warrant or warrants to ap-  
 prehend such seamen or mariner; and in case he or they shall re-  
 fuse to proceed on the voyage, which he or they entred into con-  
 tract or agreement to perform as aforesaid, and shall not give a  
 sufficient reason for such refusal to the satisfaction of such justice  
 or justices, then to commit such seaman or mariner to the house  
 of correction, there to be kept to hard labour not exceeding thirty  
 days, nor less than fourteen days; any thing to the contrary not-  
 withstanding.

and for want  
 of satisfactory  
 reason, send  
 to house of  
 correction,  
 not above 30,  
 nor less than  
 14 days.

absenting  
 without leave  
 of master,  
 &c. forfeit 2  
 days pay for  
 every day.

V. And be it enacted by the authority aforesaid, That in case  
 any seaman or mariner shall absent himself from the ship or ves-  
 sel, to which he shall belong, without leave from the master or  
 commander, or other chief officer having charge of such ship or  
 vessel, every such seaman or mariner shall for every such day's ab-  
 sence forfeit two days pay; to be recovered, applied, and dispos-  
 ed, of as herein is directed.

leaving the  
 ship after arri-  
 val, without a  
 discharge in  
 writing from  
 the master,  
 &c. not en-  
 tring into the  
 King's service,  
 forfeit 1  
 months pay.  
 7 G. 2. 7.  
 9 G. 2. 6.

VI. And whereas seamen and mariners after their ships arri-  
 val at their unlivering port in this kingdom oftentimes leave the  
 ships and vessels, before they are unladen, or before the said sea-  
 men and marines are discharged by the masters or commanders of  
 such ships and vessels: in order to prevent such practices for the  
 future be it further enacted by the authority aforesaid, That in  
 case any seaman or mariner, not entring into the service of his  
 Majesty, his heirs and successors, shall leave such ship or vessel, to  
 which he or they belong, before he or they shall have a discharge  
 in writing from the master or commander, or other person having  
 the charge of such ship or vessel, he or they so leaving such ship  
 or vessel shall forfeit one months pay; to be recovered, applied,  
 and disposed of, as herein after is directed.

VII. And

VII. And be it further enacted by the authority aforesaid, A. D. 1731. Chap. 13. That upon the arrival of any ship or vessel into this kingdom from parts beyond the seas the masters or commanders of such ships or vessels shall be, and they are hereby, obliged to pay the seamen and mariners belonging to such ships or vessels their wages (if demanded) in thirty days after such ships or vessels being entred at the Custom-house, except in case where a covenant shall be entred into to the contrary, or at the time the said seamen and mariners shall be discharged (which shall first happen) if demanded, deducting out of such wages the penalties and forfeitures by this act imposed, under the penalty of paying to each seaman or mariner, that shall be unpaid contrary to the intent and meaning of this act, twenty shillings over and above the wages that shall be due to each person; to be recovered by the same means and methods as the wages may be recovered; and such payment of wages as aforesaid shall be good and valid in law, notwithstanding any action, bill of sale, attachment, or incumbrance whatsoever.

Masters on arrival shall pay wages in 30 days after entry at Custom-house (unless covenant to the contrary) or at time of discharge, (which first happens) if demanded; deducting penalties; Penalty to each mariner unpaid 20 s. above wages, recovered as wages.

VIII. And be it further enacted by the authority aforesaid, That no seaman or mariner by entring into or signing such contract or agreement as aforesaid shall be deprived of or hindred from using any means or methods for the recovery of wages against any ship, the master or owners thereof, which he may now lawfully make use of; and that in all cases where it shall or may be necessary, that the contract or agreement in writing aforesaid shall be produced in court, no obligation shall lie on any seaman or mariner to produce the same, but on the master, owner or owners, of the ship, for which the wages shall be demanded; and no seaman or mariner shall fail in any suit, action, or process for recovery of wages for want of such agreement or contract being produced; any law, usage, or custom, to the contrary notwithstanding.

Such payment of wages good, notwithstanding any action, &c. Mariners by said agreement not deprived of other remedies for wages; Master, &c. not mariner, obliged to produce the agreement.

IX. And be it further enacted by the authority aforesaid, That the masters, or commanders, or owners of any ships or vessels, shall, and they hereby have full power to, deduct out of the wages of any seaman or mariner all the penalties and forfeitures to be incurred by such seaman or mariner by virtue of this act, and to enter them in a book or books to be kept for that purpose, and to make oath (if required) to the truth thereof; which book or books shall be signed by the said master or commander of each ship or vessel respectively, and two or more principal officers or sailors belonging to such ships or vessels, setting forth that the penalties and forfeitures in such book or books are the whole penalties and forfeitures stopt from any seaman or mariner during the whole voyage; which penalties and forfeitures, except the forfeitures

Masters, &c. shall deduct penalties out of wages, and enter in a book, and make oath, if required, the book signed by master and two principal officers. Said forfeitures (except wages for desertion) to

A. D. 1731. Chap. 13. Bluecoat-hospital and K. C. 2d. free-school. paid by master to the collector of 6d. per month out of seamens wages for Greenwich-hospital, (by 7 & 8 Wil. 3. 21. Sec. 10. Eng. & 10 Anne 17. Eng. & 2 G. 2. 7. Eng.) who may administer oath. Master not paying to collector in 3 months forfeits treble, to said hospital

tures of wages to the owners on the desertion of any seaman or mariner, or on refusing to proceed on the voyage, shall go to and be applied to the use of the Bluecoat-hospital and Free-school of King Charles the second in Dublin, and not otherwise; to be paid and accounted for by the masters and commanders of ships and vessels coming from parts beyond the seas to the collector at each port, where such ship or vessel shall be entred, who collects the six pence *per* month deducted out of seamens wages for the use of the hospital at Greenwich; which collector shall have and hereby hath full power to administer an oath to every commander or master respectively touching the truth of such penalties and forfeitures, to be paid, applied, and disposed of as aforesaid.

X. And be it further enacted by the authority aforesaid, That in case any masters, or commanders, or owners of any ships or vessels shall deduct out of the wages of any seaman or mariners any of the penalties and forfeitures, which by this act are directed to be deducted and applied to and for the use of the said hospital, and shall not pay the money so deducted to the collector of the port, where such ship shall be entred, within three months after such deduction; every person, so neglecting to pay the money so deducted as aforesaid, shall forfeit and pay treble the value thereof to the use of the said hospital; which together with the money deducted as aforesaid shall and may be recovered by the same means and methods as any penalties and forfeitures, for not duly paying the said herein before mentioned six pence *per* month, can or may be recovered.

This a publick act.

XI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and all judges and justices are hereby obliged to take notice of it as such without special pleading the same.

Continuance 2 years, &c.

7 G. 2. 7.

continued to

25 March

1735, &c.

9 G. 2. 6.

31 G. 2. 9.

revived and

continued 2

years, &c.

1 G. 3. 17.

so 1 May

1767, &c.

not to de-

bar mariners

from entering

King's ships,

which not for-

feiture of

wages, or de-

sertion.

XII. Provided always, and be it enacted by the authority aforesaid, That this act shall continue and be in force for the space of two years, to be reckoned from the said twenty fifth day of April one thousand seven hundred and thirty two, and from thence to the end of the then next session of Parliament, and no longer.

XIII. Provided that nothing in this act contained shall extend, or be construed to extend, to debar any seaman or mariner belonging to any merchant ship or vessel from entering or being entred into the service of his Majesty, his heirs and successors, on board of any of his or their ships or vessels; nor shall such seaman or mariner for such entry forfeit the wages due to him during the time of his service in such merchant ship or vessel; nor shall such entry be deemed a desertion.

C H A P.



*An Act to explain and amend an act, intituled, [An act for the better regulating the work-house of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent mischiefs which may happen by keeping gun-powder within the said city;] and also for explaining and amending one other act, intituled, [An act for the better enabling the governors of the work-house of the city of Dublin to provide for and employ the poor therein, and for the more effectual punishment of vagabonds; and also for the better securing of and providing for lunaticks and foundling children.]*

**W**HEREAS by an act made in this kingdom in the first <sup>19 G. 2. 21.</sup> year of his Majesty's reign, intituled, *An act for the better regulating the work-house of the city of Dublin, and to regulate and provide for the poor thereof, and to prevent mischiefs which may happen by keeping gun-powder within the said city:* it is enacted, <sup>1 G. 2. 27. Sec. 24. recited.</sup>

“ That there shall be charged upon and paid for all and every the  
 “ houses within the several parishes of the city of Dublin, and  
 “ within the liberties of Saint Sepulchres, Thomas-court, and  
 “ Donore, thereto adjoining, and within the liberties of Christ-  
 “ Church and Saint Patrick's, the sum of three pence in the  
 “ pound for every pound of the yearly value of every such house  
 “ or houses, as the valuations are returned for the collection of  
 “ ministers money in the city and liberties aforesaid; and, where  
 “ no such valuation is or shall be returned, the sum of three  
 “ pence in the pound *per annum* according to the rent payable  
 “ by the tenants in possession; and in case such rent is only a  
 “ ground-rent, then according to the rent that such house might  
 “ be reasonably let for to a solvent tenant, such rent to be ascer-  
 “ tained by four of the parishioners to be named by the church-  
 “ wardens; and that the said three pence *per pound* shall be  
 “ payable and paid for and during the term of twenty one years,  
 “ to commence from the first day of May one thousand seven  
 “ hundred and twenty eight, and from thence shall continue to  
 “ the end of the next session of Parliament after the said one and  
 “ twenty years, and be a charge on the inhabitant or inhabitants  
 “ of every house or houses, and shall be levied by distress or  
 “ otherwise by the church-wardens of the respective parishes, and  
 “ in places *extra parochial* by the church-wardens of the adjoin-  
 “ ing parish, at such time and in such manner as the ministers  
 “ money in the said city is levied:” and whereas the collecting  
 the

A. D. 1731. the said tax for the use of the said work-house hath been found burthenfome and inconvenient to the church-wardens of the several parishes of this city, and great arrears remain as well in their hands as in the hands of the several persons, from whom they ought to collect the same, to the great detriment of the work-house: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the governors of the said work-house in and by the said act appointed, or any fifteen or more of them, shall and may and they are hereby authorized and impowered to constitute and appoint such and so many persons, as they shall judge necessary, to collect and receive for the use and benefit of the said work-house from the inhabitant or inhabitants of each and every house in the several parishes of this city, and within the liberties of Saint Sepulchres, Thomas-court, and Donore, thereto adjoining, and within the liberties of Christchurch and Saint Patrick's, the before mentioned sum of three pence in the pound for every pound of the yearly value of every such house or houses, as the valuations are returned for the collection of ministers money in the city and liberties aforesaid, and, where no such valuation is or shall be returned, the like sum of three pence in the pound *per annum* according to the rent payable by the tenants in possession; and in case such rent is only a ground rent, then according to the rent that such house might be reasonably set for to a solvent tenant, to be ascertained as aforesaid; which said sum of three pence in the pound shall be levied and received by the person or persons so constituted by the said governors, or any fifteen or more of them, for the use of the governors of the work-house of the city of Dublin, by such ways, means, and methods as the church-wardens of the said several parishes were by the said recited act directed and required to collect and receive the same; and that the said governors, or any fifteen or more of them, do and shall pay and allow unto the person or persons so appointed to receive the said tax, such salary or salaries as they shall judge necessary, not exceeding the sum of six pence for each and every twenty shillings that he or they shall actually collect and receive in pursuance of this act.

allowing salary not above 6 d. *per* pound.

3 G. 2. 17. Sec. 7. recited.

II. And whereas in and by another act of Parliament made in this kingdom in the third year of his Majesty's reign, intituled, *An act for the better enabling the governors of the work-house of the city of Dublin to provide for and employ the poor therein, and for the more effectual punishment of vagabonds; and also for the better securing of and providing for lunaticks and foundling children*; it is enacted, " That for the relief and maintenance of the said  
" foundling

“ foundling children till they should arrive to the age of six years, A. D.  
 “ all and every house and houses in the said city and liberties 1731.  
 “ thereunto adjoining, already charged and to be charged by the Chap. 14.  
 “ said first mentioned act with the sum of three pence in the  
 “ pound for every pound of the yearly value of every such house  
 “ or houses, as the valuations are returned for the collection of  
 “ ministers money in the city and liberties aforesaid, and where  
 “ such houses are not valued to the minister, according as they  
 “ are or are to be valued after the manner appointed by the said  
 “ act, be from and after the twenty fifth day of March, which  
 “ will be in the year of our Lord one thousand seven hundred  
 “ and thirty charged with an additional sum of three pence in  
 “ the pound, according to the said proportion, to be paid to the  
 “ governors of the said work-house, and to be collected, account-  
 “ ed for, and paid by the church-wardens of the said respective  
 “ parishes, after the same manner, and under the like forfeitures  
 “ and penalties, as the former sum of three pence in the pound  
 “ was appointed to be collected by that and the said former act ;  
 “ which said additional three pence should be levied, collected,  
 “ and raised for the uses aforesaid for the term and space of two  
 “ years, and from thence to the end of the then next session of  
 “ Parliament, and no longer ;” which said fund, by the last recited  
 act appointed for the maintenance and relief of the said found-  
 ling children, will expire the twenty fifth day of March one  
 thousand seven hundred and thirty two, or at the end of the  
 then session of Parliament : and whereas the said act hath  
 been found to be of great benefit for the charity thereby intend-  
 ed, and is therefore fit to be continued : be it enacted by the au-  
 thority aforesaid, That the said additional sum of three pence in  
 the pound, by the said last recited act directed and appointed to be  
 raised and paid for the relief and maintenance of the said children,  
 shall continue, and be levied, collected, and raised for the uses  
 aforesaid for the like time and term, as the other duty of three  
 pence in the pound first above mentioned is in and by the said  
 act, intituled, *An act for the better regulating the work-house of*  
*the city of Dublin, and to regulate and provide for the poor thereof,*  
*and to prevent mischiefs which may happen by keeping gun-powder*  
*within the said city,* directed to continue ; and during the said term  
 no money shall be levied by vestry for the maintenance of found-  
 lings in the city of Dublin and liberties adjoining ; any law usage,  
 or custom, to the contrary notwithstanding.

III. And be it enacted by the authority aforesaid, That the  
 said governors, or any fifteen or more of them, shall and may  
 constitute and appoint one or more receiver or receivers of the  
 said last mentioned tax or additional sum of three pence in the

VOL. V.

6 S

pound,

the addition-  
 nal 3d. per  
 pound there-  
 by granted for  
 maintenance  
 of foundlings  
 continued for  
 the like term  
 as the other  
 duty by 1 G.  
 2. 27.  
 19 G. 2. 21.  
 continued 21  
 years, &c.

during  
 which no mo-  
 ney levied at  
 vestry in Dub-  
 lin for found-  
 lings.

15 gover-  
 nors may ap-  
 point receivers  
 thereof, to  
 collect and ac-  
 count as  
 church-war-  
 dens by said  
 acts.

**A. D.** pound, who shall have full power and lawful authority to collect and distrain for the aforefaid tax for the maintenance of the foundlings by the same ways, means, and methods, as the church-wardens of the said several parishes where by the said recited acts or either of them directed and required to collect and receive the same, and shall account for and pay the same to the governors of the said work-house for the uses aforefaid in such manner, as the church-wardens of the said respective parishes were obliged and directed to do in and by the said recited acts, or either of them; which receiver or receivers, so appointed to collect the said additional sum of three pence in the pound, shall have, receive, and be paid for his and their care and trouble in such collection a sum not exceeding six pence for every twenty shillings, he or they shall actually receive.

Salary not  
above 6 d.  
per pound.

Church-wardens not valuing houses in 1 month after notice, or not accounting on oath, approved by 15 governors,

**IV.** And whereas several church-wardens have neglected to value houses obliged to pay to the work-house: for remedy whereof be it enacted by the authority aforefaid, That if any church-wardens shall not in the space of one month after notice given them by the court of assistants, or their officer, value such house or houses, as they shall from time to time signify as aforefaid, or if any of the church-wardens aforefaid shall hereafter refuse or neglect to make up their parish-accounts upon oath, in respect of what is now or shall hereafter be due from their parishes respectively to the governors of the work-house for the use of the said house and foundlings therein maintained, then such church-warden or church-wardens, refusing or neglecting as aforefaid after one month being served with notice as aforefaid from the said court or by their officer, and not rendering a fair and just account upon oath, to be approved of by the said governors, or any fifteen or more of them, shall forfeit the sum of fifty pounds for every such default, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in Dublin, to be applied to the use of the said work-house.

Penalty 50 l.  
to the work-house.

**G. 2. 27.**  
**Sec. 15.**

**V.** And whereas in and by the said first recited act it is enacted, "That all brewers drays, or carrs and carts, and carrs usually plying for hire within the said city and liberties aforefaid, from and after the first day of May one thousand seven hundred and twenty eight should be licensed by the said governors, fifteen at least being present, and upon every such license there should be reserved to the said governors the several sums following: (that is to say) for every such cart, brewers dray, or carr, the sum of twenty shillings, and for every other carr ten shillings, the same to be paid quarterly as by the said act or acts is directed:" and whereas several of the brewers in and about this city instead of carrying their drink on such carrs, as they

they used to do, now make use of carrs, which have figures, and ply for hire as town cars, whereby the governors of the said work-house are deprived of one half of the revenue by the said act or acts intended to be raised on brewers drays and carrs for the use of the said work-house contrary to the tenor and intent of the said act: for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and thirty two every carr and other carriage whatsoever, that shall be employed or made use of by any publick brewer or brewers of ale or beer within the said city or liberties thereunto adjoining, or within the town of Kilmainham, or the liberties thereof, in the carriage of any beer or ale for sale, be licensed by the said governors, fifteen at least being present; and upon every such car or other carriage a mark of distinction or figure shall be placed in such manner and form, as the said governors, fifteen being present, shall judge proper; and upon every such license there shall be received annually to the said governors the sum of twenty shillings, to be paid quarterly on the twenty fourth of June, twenty ninth of September, twenty fifth of December, and twenty fifth of March yearly and every year, and shall be sued for, levied, and recovered by such ways, means, and methods, as the duty of twenty shillings yearly by the said act or acts is directed; to be levied and paid by the owners of brewers drays and cars.

Brewers  
carrs, &c. in  
Dublin shall  
be licensed by  
15 governors,

and marked,

paying 20s.  
quarterly.

VI. And as to all manner of complaints that shall hereafter be made by any person or persons against coachmen, chairmen, draymen, carters, and carmen, and as to coachmen and chairmens complaints against any person or persons for non-payment of their hire, and for wilfully cutting, defacing, or breaking their coaches and chairs; be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and thirty two the said court of assistants, or any five or more of them, shall have power and authority finally to hear and determine the matter of such complaints upon oath; which oath the said court of assistants, or any five or more of them, are hereby impowered to administer, and to award satisfaction to the party grieved; and for non-payment to levy the same by distress upon the goods and chattels of the party, against whom such complaints shall be made; and that the said court of assistants, or any five or more of them, may be authorized and impowered by warrant under their hands and seals to award execution in such and in as effectual manner, as the justices of the peace of the county of the city of Dublin, or the seneschals in their respective liberties, are impowered to do against coachmen, chairmen, draymen, carters, and carmen.

Complaints  
by or against  
coachmen,  
&c. determin-  
ed on oath by  
5 of court of  
assistants,  
19 G. 2. 21.

who may a-  
ward satisfac-  
tion,

and levy  
by distress,

as justices  
or seneschals  
may for  
breach of by-  
laws by 1 G.  
carters, 2. 27.

A. D. carters, and carmen, for the breach of any statute or by-laws made in pursuance and by virtue of the said first recited Chap. 14. act.

*1 G. 2. 27.  
Sec. 11. re-  
cited.*

VII. And whereas the before mentioned act made in the first year of his present Majesty's reign recites, " That it was necessary for the support of the said work-house and maintenance of the poor therein, that the several yearly rents payable for coaches, chairs, carts, cars, brewers drays and carriages, and the duties on houses granted by a former act, which was then expired, should be revived ;" and for that end it is thereby enacted, " That the said governors of the said work-house, fifteen at least being present, should have power and authority to license all such persons, as should keep, drive, or carry any hackney-coach or coaches, chairs, or sedans, and all carts or cars plying for hire, and all brewers drays or cars within the said city of Dublin, or liberties thereunto adjoining ; and that the number of all hackney-coaches so to be licensed should not exceed two hundred ; and the number of chairs or sedans so to be licensed should also not exceed two hundred ; and for every license to be granted for each coach a fine of five pounds should be paid to the governors of the said work-house ; and the licenses granted to continue for one and twenty years from the first day of May one thousand seven hundred and twenty eight ; and upon every of the said licenses for each such coach there should be reserved and made payable to the governors of the said work-house and their successors the yearly rent of forty shillings, and for each and every chair or sedan forty two shillings, and no more, to be paid quarterly as by the said act is directed :"

*Ring's-end  
cars, &c.  
plying for  
hire shall be  
licensed ;*

VIII. And whereas since the passing of the said act most of the coal-porters, dairymen, gardeners, and others in and about the city of Dublin, have put up high-backed cars, commonly called Ring's-end cars, chairs, chaises, and many such like conveniences for the carriage of persons to and from the city to the several outlets and places adjacent ; and their number not being limited by the said beforementioned act, or any other law now in being, they are thereby become so numerous, that the fare and business of hackney coaches is greatly lessened, insomuch that licenses for a considerable number of the hackney-coaches, which by the before mentioned act were intended to be established, are not taken out ; whereby the said work-house is not only deprived of the fines, which would be paid for such licenses, and the annual rents arising on those coaches when licensed, but also the publick of the convenience of that number of coaches ; the want of which is daily experienced : for remedy whereof be it enacted by the

the authority aforesaid, That from and after the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty two the said governors of the said work-house, fifteen at least being present, shall have power and authority, and they are hereby impowered and required, under their common seal to license all such persons, as shall keep or drive any high-backed car or cars, commonly called Ring's-end cars, chair or chairs, chaise or chaises, plying for hire within the said city of Dublin, or liberties thereunto adjoining; and for every license to be granted for every such high-backed car, commonly called a Ring's-end car, chair, chaise, there shall be paid to the governors of the said work-house the sum of thirty shillings by way of fine for such licence, before such license shall be delivered; and the licenses for such high-backed cars, called Ring's-end cars, chairs, or chaises, shall be granted to continue for such term and time, as the licenses for coaches, chairs, or sedans, are to be granted by the said before mentioned act, and no longer; and shall be transferable or devisable by the parties, to whom the same shall be granted, or by their executors, administrators, or assigns under the rents and covenants therein to be contained; and upon every of the said licenses for each and every such high-backed car, called a Ring's-end car, chair, or chaise, there shall be reserved and made payable to the governors of the said work-house and their successors the yearly rent or sum of ten shillings, and no more; to be paid quarterly at the four usual days of payment in the year, viz. on every twenty fourth day of June, twenty ninth day of September, twenty fifth day of December, and twenty fifth day of March in every year; with such covenants, conditions, and provisoes, therein to be inserted for the more effectual payment thereof, as the said governors in their discretions shall think fit.

IX. And be it further enacted by the authority aforesaid, That every high-backed car, commonly called a Ring's-end car, chair, or chaise, so to be licensed in pursuance of this act, shall have a mark of distinction by a figure on a large square tin plate, with the number in large figures in white, or otherwise as the said governors shall think fit; which said mark shall be placed on each side of every such high-backed car, called a King's-end car, chair, or chaise, in such manner as the said governors shall direct; and if the owner or driver of any such high-backed car, chair, or chaise, plying for hire as aforesaid, shall ply or drive without such mark of distinction or figure any such high-backed car, chair, or chaise, or if any person or persons shall blot out, deface, or change the mark or figure ap-

A. D.  
1731.  
Chap. 14.  
paying 30s.  
fine to work-  
house,  
to continue  
for like term  
as licences for  
coaches, &c.  
transferable  
or devisable,  
referring to  
the governors  
10 s. quarter-  
ly.  
Ring's-end  
cars to be  
numbered, as  
governors di-  
rect.  
Penalty 40s.  
on owner or  
driver, or  
person defac-  
ing it.

**A. D.** pointed for such high-backed car, chair, or chaise; as aforesaid; every person or persons so offending for every such offence shall forfeit the sum of forty shillings; one moiety whereof to go and be applied to the use and benefit of the informer; and the other moiety to the use of the corporation by the said before mentioned act created for the use and benefit of the said work-house; and shall be recovered in a summary way before the said governors, fifteen at least being present, on proof made before them on oath (which oath the said governors are hereby impowered to administer) after one summons to the party offending, and shall be levied by distress and sale of the offenders goods by warrant under the hand and seal of such governors, or any five of them, unless such penalty be paid within ten days, after such distress be taken: and in case no sufficient distress can be had to answer the said penalty, then the person or persons so offending shall by warrant under the hands and seals of the said governors, or any five of them, be sent to the house of correction, there to be kept at hard labour for any term not exceeding one month.

**1731.** Chap. 14. *to the work-house and informer,*

*before 15 governors, on oath, after 7 summons,*

*by distress and sale, if not paid in 10 days,*

*or sent to house of correction one month.*

**To prevent** **X.** And whereas the owners or drivers not only of the said high-backed cars, called Ring's-end cars, chairs, or chaises, but also the owners or drivers of hackney-coaches plying for hire in this city and the liberties thereto adjoining, are become extravagant in their demands for want of fixed prices for setting down persons within one or more miles of the city of Dublin: for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty two, the governors of the work-house of the said city of Dublin, or any fifteen or more of them, shall have power and authority, and they are hereby authorized and impowered, to make rules and by-laws for the adjusting and ascertaining the fare or hire of such Ring's-end cars, chairs, or chaises, in the city of Dublin, or any where within seven miles of the same; and that the said governors, or any fifteen or more of them, shall have power and authority, and they are hereby also authorized and impowered to make rules and by-laws for the settling coachmens fare or hire for carriage to any place within three miles of the said city of Dublin: so as such rules and by-laws be approved of by the lord high chancellor or lords commissioners of the great seal, and the three chief judges for the time being, or any three of them.

*15 governors may ascertain the fare of Ring's-end cars in Dublin or within 7 miles,*

*and of coaches within 3 miles, approved by lord chancellor, &c.*

XI. And



XI. And whereas several persons have taken out licenses for drays, carts, and cars, from the governors of the work-house, who live in the county of Dublin, and refuse to pay the several sums due by them respectively; by means of which the revenue payable as aforesaid is greatly decreased: for remedy whereof be it enacted by the authority aforesaid, That if any person or persons, who have already or shall hereafter take out licenses for drays, carts, and cars, from the governors of the work-house, and who do or shall reside in the county of Dublin, shall refuse to pay the several sums due from them respectively, then and in such case it shall and may be lawful to and for the said court of assistants, or any five of them, by warrant under their hands and seals to levy such sum or sums by distress upon the goods and chattels of such person or persons residing in the county of Dublin, and refusing or neglecting to pay the same by the space of twenty one days after the time respectively appointed for payment thereof as aforesaid.

1731. Chap. 14.

Persons taking out licences for drays, carts, and cars, residing in county of Dublin, and not paying in 21 days,

levied by distress.

XII. And whereas by the great number of idle vagabonds and strolling beggars that are from time to time committed to the work-house, it often happens that very great disorders are committed therein: for remedy whereof be it further enacted by the authority aforesaid, That the court of assistants, or any five or more of them, by warrant under their hands and seals shall have full power and lawful authority to commit persons guilty of such disorders in the work-house to the goal or house of correction commonly called Bride-well near the city of Dublin, and to remove them to the said work-house, as they shall judge necessary.

Persons guilty of disorders in the work-house may be committed to Bridewell, &c.

XIII. And be it further enacted by the authority aforesaid, That if any action, suit, or information, shall be commenced or prosecuted against any person or persons for any thing, that he or they shall do or cause to be done in pursuance of this act, or for executing any of the powers and authorities; or any of the orders and directions herein mentioned, all and every person and persons, so sued and prosecuted in any court whatsoever, shall and may plead the general issue, and give give this act and the special matter in evidence.

Persons sued for acting may plead general issue, &c.

A. D.

1731.

## C H A P. XV.

*An act for repairing the road leading from the city of Dublin to the town of Dunleer in the county of Lowth.*

7 G. 2. 18.  
made more  
effectual.

The road  
not to be re-  
paired by the  
ordinary  
course.

For repair  
thereof tru-  
stees appoint-  
ed,

23 G. 2. 16.  
may sue, &c.  
as if incorpo-  
rated.

and must  
have 50 l. per  
ann. freehold,  
or 1000 l.

**W**HEREAS the highway or road leading from the city of Dublin through the towns of Swords, Ballyrothery, Drogheda, and from thence to the town of Dunleer in the county of Lowth, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in the winter-season many parts thereof are impassable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually amended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highway or road it shall be in the power of his grace the lord primate of all Ireland, his grace the lord archbishop of Dublin, the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable Theobald earl of Carlingford, the right honourable Henry earl of Shelburn, the right honourable John lord viscount Neterville, the right honourable Nicholas lord viscount Kingsland, the right honourable Clotworthy lord viscount Massareen, the right honourable James lord viscount Charlemont, the right honourable Richard lord viscount Moleworth, the right honourable Gustavus lord viscount Boyne, the right honourable Trevor lord viscount Hillsborough, the right honourable James lord viscount Limerick, the right honourable Brabazon lord viscount Duncannon, the right honourable William lord baron of Howth, the right honourable Cadwallader lord baron Blaney, the right honourable Henry lord baron of Santry, the right honourable John lord baron Bellew, the right reverend Ralph lord bishop of Meath, the right honourable Sir Ralph Gore baronet, speaker of the honourable the house of Commons, the right honourable James Tynte esquire, the right honourable Sir Thomas Taylor baronet, the right honourable Marmaduke Coghill, the right honourable William Conolly, the honourable Henry Barry, the honourable,

honourable Henry St. Lawrence, the honourable William Moleworth, the honourable Thomas Butler, the honourable John Skeffington, the honourable Arthur Hill, the honourable Humphry Butler esquires, Sir Compton Domville baronet, the honourable Henry Singleton esquire, his Majesty's prime serjeant, Thomas Trotter doctor of laws, James Coghill doctor of laws, Edward Bolton, Robert Rofs junior, Eyre Evans, Luke Gardiner, Thomas Carter, Edward Sale, Nathaniel Clements, Richard Warburton, Matthew Pennefather, Richard Dawson, James Hamilton, William Brownlow, Robert Adair, Peter Ludlow, Charles Lambert senior, Richard Weilly, Hugh Willoughby, Samuel Burton, Robert Percival, Thomas Taylor, Charles Lambert junior, Hugh Henry, Warner Westenra, James Sommervill, Charles Hamilton, James Whitshed, Thomas Pearson, Thomas Meredyth, Mark Anthony Morgan, John Preston, Nathaniel Preston, Hercules Rowley, the honourable Edward Brabazon, Abel Ram senior, Abel Ram junior esquires, John Bowes esquire solicitor-general, Thomas Jackson, John Maxwell, Francis Lucas esquires, doctor John Elwood, Williams Cunningham, William Graham, the honourable William Moore, Henry Mervyn, William Aston, Arthur Dawson, Thomas Fortescue, Thomas Montgomery, Faithful Fortescue, John Montgomery, Robert Parkinson, Robert Rochford, Thomas Tennison, Robert Rofs senior, William Stanus, Henry Townley, Brabazon Newcomen, Robert Cope, James Stevenson junior, Arthur Dobbs, George Tomkins, James Stevenson senior esquires, Sir Edward Baillie baronet, Benedict Arthur, John Macarell, Robert Myre, Ralph Sampson, Abraham Sherigley, Edward Swan, Plunket Plunket, Edward Dering, Boileign Whitney, William Aldrich, Thomas Montgomery, Thomas Gonne, Robert Cooke esquires, Sir Robert Echlin baronet, Audley Mervyn, Richard Forster, Arthur Mervyn esquires, colonel Phineas Bowles, George Pepper, Henry Osborne, David Nixon, John Curtis, John Coddington, William Sheppard, George Cuppidge, Richard Gorges, Robert Saunders esquires, the reverend John Singleton, William Roberts doctor of laws, Robert Walter, Arthur Dillon, Joseph Bury, Walter Burton, Percival Hunt, William Cooper, Enoch Sterne, Hartley Hutchinson, Charles Annesly esquires, the reverend Hugh Wilson, Walter Dawson, Palfrey Higgins, Henry Hatch, Thomas Jones esquires, captain Dowcra Brookes, captain Robert Cooke, captain Hugh Montgomery, the reverend John Jackson, the reverend Robert Gratton, alderman Richard Gratton, the reverend John Gratton, alderman Thomas Cheatham, alderman William Quaile, the reverend John Echlin clerk, the reverend James King clerk, alderman Henry Ogle, alderman John Leigh, alderman Francis Leigh, alderman John

A. D. Haden, alderman John Godfrey, alderman Thomas Sandisford,  
 1731. the honourable Michael Ward esquire, one of the justices of his  
 Chap. 15. Majesty's court of King's bench, the reverend Rowley Singleton,  
 the reverend Mr. John Wynne, Jeremiah Smith, Henry Belling-  
 ham senior, Henry Bellingham junior, John Forster, Edward  
 Bellew, John Southerby, Nicholas Moore, William Mercer, John  
 Hamilton, William Ruxton, Richard Geering, Richard Tisdall  
 senior, Philip Tisdall, Thomas Tipping, Charles Barry, Richard  
 Hanford, William Price, Solomon White, Martin Sinnott, Mon-  
 tague Lambert, James Blackwood, John Taafe, Chappel Dawson,  
 Hamilton Townley, James Tisdall, Stephen Sibthorpe, Robert  
 Needham, William Ludlow, Robert Magill, Cromwell Price,  
 Francis North, John Stothard esquires, the honourable general  
 Price, John Moore esquire, James Wilkinfon, Edward Folie,  
 Thomas Butler senior, Eleazer Pearson, Theophilus Crofton,  
 ——— Taylor of Swords, Richard Blair, Erasmus Cope, Alexan-  
 der Hamilton, Andrew Caldwell, George Gonne, Thomas Meag-  
 her, Thomas Simpson, William Mc. Caufland, John Baily, John  
 Ker, John Walker, Thomas Brewer, John Rogers, John Brunckard  
 gentlemen, William Moore esquire, Elisha Charles, Samuel Cooper,  
 John Hatch, Edward Mead, Edward Hall, William Ogle, Richard  
 Jebb, Michael Moore, William Graves, Brabazon Eccleston, John  
 Donnellan, Christopher Moore, Thomas Aston, Thomas Baker, Je-  
 remiah Paterfon, William Owens, John Giles, Nicholas Price, John  
 Blair, Anthony Donagh, and Eliphah Dobson gentlemen, who are  
 hereby nominated and appointed trustees of the said roads, and  
 the survivors of them, that they, or any seven or more of them,  
 or such person or persons as they, or any seven or more of them,  
 shall authorize and appoint, shall and may erect, or cause to be  
 erected, one or more gate or gates, turnpike or turnpikes, in,  
 upon, or across any part or parts of the said highways or roads;  
 and also a toll-house or toll-houses, and there shall receive and  
 take the tolls and duties following before any horse, mare, gelding,  
 ass or mule, cattle, coach, berlin, chariot, calash, chaise, chair,  
 waggon, wain, cart, carr, or other carriage, shall be permitted  
 to pass through the same: viz. for every coach, berlin, chariot,  
 calash, chaise, or chair, drawn by six horses or more, the sum of  
 one shilling; and for every coach, berlin, chariot, calash, chaise,  
 or chair, drawn by any less number of horses than six, and more  
 than one, the sum of six pence; for every waggon, wain, cart,  
 or carriage with four wheels, the sum of one shilling; for every  
 wain, cart, or carriage with two wheels, having more than one  
 horse, mare, or gelding, ass or mule, the sum of three pence; for  
 every carriage commonly called a chair or chaise with one horse,  
 mare, or gelding, the sum of three pence; for every carr or  
 other

any 7, or  
 such as they  
 appoint, may  
 erect gates,  
 turnpikes, and  
 toll-houses,

and take toll,  
 7 G. 2. 18.  
 altered.

1 s. for a  
 coach, &c.  
 and 6.

6 d. for less  
 than 6.

1 s. 2 4  
 wheeled wag-  
 gon, &c.

3 d. if 2  
 wheeled, and  
 above 1 horse;  
 3 d. a chaise  
 and 1 horse.

A. D.  
1731.  
Chap. 15.  
I d. a carr,  
&c. and 1  
horfe.  
1 halfpenny  
a horfe not  
drawing.  
Oxen, &c.  
10d. per score.  
Calves, &c.  
5 d.  
The money  
rested in the  
trustees.

The profits, after paying charges, laid out on repair of the road.

**Owners of  
land adjoin-  
ing giving a  
passage to a-  
void payment  
of toll.**

A. D. this act shall for gain, reward, or otherwise willingly permit any  
 1731. person or persons whatsoever to pass through any gate, passage,  
 Chap. 15. or way, with any coach, berlin, chariot, calash, chaise, or chair;  
 ~~~~~ waggon, wain, cart, carr, carriage, or riding or driving any horse,  
 ass, mule, or any sort of cattle, to avoid the payment of the toll  
 hereby appointed to be paid, and be thereof convicted upon oath  
 before the said trustees, or any seven or more of them, or before  
 one or more justice or justices of the peace for the county, wherein  
 such offence or offences shall be committed, who are hereby im-  
 powered and required to administer such oath, every such person  
 shall forfeit and pay to the trustees authorized to put this act in  
 execution the sum of ten shillings, to be levied by distress and sale of  
 the offenders goods by warrant under the hand and seal or under  
 the hands and seals of the said trustees, or any seven or more of  
 them; or such justice or justices; rendering the overplus to the  
 owner (if any be) the charges in taking and disposing of the said  
 goods being first deducted.

Penalty 10 s.  
to the tru-  
stees.

Gates, &c.  
may be erect-  
ed on the side,  
cross any way  
leading out of  
said road,

and toll col-  
lected,  
so as no  
double charge.

7 trustees  
at meeting  
may appoint  
and remove  
receivers and  
surveyors,

IV. And be it further enacted by the authority aforesaid, That  
 it shall and may be lawful to and for the said trustees; or any seven  
 or more of them, to erect one or more gate or gates, turnpike or  
 turnpikes, on the side of the said highways or roads across any lane  
 or way leading out of the said road, and toll-house or toll-houses,  
 and there to receive and take such toll; as is appointed by this act  
 to be taken, so as the same do not extend to a double charge in  
 case of passing through any other of the turnpikes to be erected by  
 virtue of this act between the said city of Dublin and the town  
 of Dunleer aforesaid.

V. And be it further enacted by the authority aforesaid, That the  
 said trustees, or any seven or more of them at their first meeting, or  
 any succeeding meeting, by writing under their hands and seals shall  
 and may elect, nominate, and appoint one or more fit person or persons  
 to be receiver or receivers, collector or collectors, of such money,  
 in the name of such toll or duty as shall be due and payable by  
 virtue of this act, and also one or more fit person or persons to be  
 surveyor or surveyors to see the condition of the said highway or  
 road, and to see that the same be repaired and amended, and that  
 the money arising and expended by virtue of this act be duly ap-  
 plied, and from time to time to remove such collectors, receivers,  
 and surveyors, or any or either of them, as they shall see occasion,  
 and appoint new ones in case of death or of such removal; and  
 such person or persons, as is or are by this act liable to pay the said  
 toll or duty, is and are hereby required to pay the same after the  
 rates aforesaid to the said receiver or receivers, collector or col-  
 lectors, of the said toll or duty in that behalf from time to time  
 appointed as aforesaid; and the person or persons so appointed

as

as aforesaid for receiving the said toll or duty, and all such surveyors or surveyors as aforesaid, shall upon oath, if thereto required by the trustees or any seven or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid (which oath such trustees or any seven or more of them, or such justice and justices, is and are hereby impowered and required to administer) on the first Tuesday in every month, or oftner, if required, during the continuance of this act give in a true, exact, and perfect account in writing under their respective hands of all moneys, which he and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act by reason of their respective offices, for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any seven or more of them, or to such person or persons as the said trustees, or any seven or more of them, (as they are qualified to act) shall by any writing or writings under their hands and seals authorize and impower to receive the same; which shall be disbursed and laid out in amending the said highways or roads according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any seven or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty make such allowance unto the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons who have been or shall be assisting in and about procuring the said highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwise relating thereunto, as to them shall seem good; so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds, and to such surveyor or surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said roads; and so as such allowance or allowances to any other person or persons who shall be employed by virtue of this act does not exceed the sum of fifteen pounds yearly to each person; and in case the said receiver or receivers, collector or collectors, of the aforesaid toll or duty, or any of them, shall not make such account and payment unto such person or persons according to the orders and directions of the said trustees, or any seven or more of them as aforesaid, that then the said justices of the peace at any special sessions or meeting of them to be holden for the county, in which the said receiver or receivers, collector or collectors, have acted or been employed, and

A. D. 1731. Chap. 15. who shall account, in writing, on oath if required, first tuesday every month, or oftner,

any overplus shall be paid to 7 trustees, &c. and laid out on the road.

Allowance to receivers as 7 trustees think fit, so as not above 30l. yearly in the whole,

to surveyors, 3 s. *per diem* during employment, to others employed, &c. not above 15l. yearly to each.

Receivers not accounting and paying, justices at special sessions shall inquire, and commit offenders till done.



A. D. made such default as aforesaid, shall and are hereby required and  
 1731. impowered to make inquiry and finally to determine of and con-  
 Chap. 15. cerning such default as well by confession or examination upon  
 ~~~~~ oath of the said parties themselves, as by the testimony of one  
 or more credible witness or witnesses upon oath, which oath they  
 are hereby impowered and required to administer without fee or  
 reward; and if any person or persons shall be convicted thereof  
 by such justices, the said justices shall upon such conviction com-  
 mit the party or parties to the common goal of the county where  
 such offence shall be committed, there to remain without bail or  
 mainprize until he or they shall have made a true and perfect  
 account and payment as aforesaid.

Surveyors  
 may dig for  
 materials in  
 a neighbour-  
 ing waste or  
 common with-  
 out paying,

and where  
 not sufficient  
 may, by order  
 of 7 trustees  
 dig in any per-  
 son's grounds,  
 not being gar-  
 den, &c. pay-  
 ing as the tru-  
 stees think  
 reasonable,

11 G. 2. 17.  
 may dig in  
 potatoe garden.

Difference  
 adjusted at af-  
 fizes or ses-  
 sions.

VI. And be it further enacted by the authority aforesaid,  
 That it shall and may be lawful to and for the said surveyor and  
 surveyors, and such person or persons as he or they shall appoint,  
 to dig, raise, gather, take, and carry away any gravel, furze,  
 sand, stones, or other materials out of any waste or common,  
 of any parish, town, village, or hamlet, in or near which any  
 foundurous or ruinous places of the said highways or roads do  
 lye, and for want of sufficient gravel, furze, sand, stones, or  
 other materials there, to dig, gather, raise, take, and carry away  
 the same out of the waste or common of any neighbouring pa-  
 rish, town, village, or hamlet, without paying any thing for the  
 same; and, where there is not sufficient of such materials in any  
 commons or waste grounds near adjoyning, it shall and may be law-  
 ful for them by order of the said trustees, or any seven or more of  
 them, to dig, raise, and gather the same, in the several grounds  
 of any person or persons not being a garden, orchard, yard, or  
 meadow, planted walk or walks, or avenue to a house, where  
 any such materials are or may be found, and from time to time to  
 carry away such and so much thereof as the said surveyor or sur-  
 veyors in their respective places shall adjudge necessary for the  
 repairing and amending the said highways or roads, paying  
 such rate for such materials and for the damage to the owner  
 or occupier of the ground from whence the same shall be dig-  
 ged, raised, gathered, and carried away, as the trustees appoint-  
 ed or to be appointed to put this act in execution shall adjudge  
 reasonable; and in case of any difference between such owner  
 or occupier and the said trustees touching the value of the  
 materials and damage aforesaid the judges of assize, or the jus-  
 tices of the peace, at the next general assizes and general goal  
 delivery, or quarter-sessions, to be holden in the county where  
 such materials shall be digged, raised, or gathered, and from  
 whence the same shall be carried away, may and shall adjudge,  
 assess, and finally determine the same.

VII. And



VII. And be it further enacted by the authority aforesaid, A. D. 1731. That it shall and may be lawful to and for the surveyor or surveyors, and such person or persons as he or they shall appoint, from time to time to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired, by filth, dung, ashes, rubbish, water-courses, finks, or drains, running into the said highways or roads, and to cleanse any ditch or water-courses adjoining to the said roads, or to cut down, lop or top any trees or bushes growing in the said highways, or in the hedges or banks adjacent to the said highways, and to take and carry away the same (the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances, for the space of ten days after notice in writing given for that purpose under the hands of seven of the said trustees) the charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down the said trees or bushes, or to remove such other annoyances as aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees, where such offence shall be committed, the sum of ten shillings, to be levied in manner aforesaid.

Surveyors, may remove annoyances, cleanse ditches adjoining, cut down, &c. trees, on neglect of owners 10 days after notice in writing by 7 trustees:

reimbursed by such owner.

Penalty 10s. on offenders after removal thereof,

to trustees.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any seven or more of them, to make or cause to be made causeways, and to cut and make drains through any grounds lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads, by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any seven or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said highways or roads, or through which any such drain or drains shall

Surveyors by order of 7 trustees may make causeways, drains, in grounds contiguous, and arches,

and widen the road, so as not to take in a house, garden, &c.

and make trenches;

making reasonable satisfaction,

shall

A. D. shall be cut, or on which any such arch or arches shall be made,  
 1731. for the damages which he or they shall or may thereby sustain,  
 Chap. 15. as shall be assessed and adjudged by the next going judge or  
 judges of assize; or by the justices of the peace, or the major  
 difference  
 settled at as-  
 sises or ses-  
 sions.

Surveyors  
 may cleanse  
 water-courses  
 or ditches ad-  
 joining, on  
 neglect of  
 owner 10 days  
 after notice.  
 23 G. 2. 16.

and by war-  
 rant of seven  
 trustees levy  
 the charge.

part of them at the next general assises or quarter-sessions to be  
 holden for the county in which such ground shall be laid into  
 the said highways or roads, and through which any such drain  
 or drains, ditch or ditches, shall be cut or made, or on which  
 such arch or arches shall be erected or made, or such causeways  
 made, in case of any difference concerning the same; and if any  
 owner or occupier of any water-courses, ditch or ditches, ad-  
 joining to the said highways or roads, shall neglect or refuse to  
 scour or cleanse such water-courses, and to make such ditches so  
 deep, and in such manner, as the surveyor or surveyors shall ad-  
 judge proper and convenient, after ten days notice shall be given  
 for that purpose by such surveyor or surveyors to be appointed, or  
 such person or persons as shall be appointed by him or them, to  
 such owner or owners, it shall and may be lawful to and for the  
 surveyor and surveyors to set any man or men to work to scour  
 or cleanse and make the same, and by warrant from any seven or  
 more of the said trustees to levy the charges thereof upon the  
 persons goods or estates of the owner or owners, occupier or oc-  
 cupiers, of such water-course, ditch or ditches, by distress and  
 sale of his, her, or their goods and chattles, rendering the over-  
 plus (if any be) to the said owner or occupier after all charges  
 paid.

The toll  
 not sufficient  
 for the speedy  
 repair,

15 trust-  
 tees may assign  
 the toll as se-  
 curity for mo-  
 ney borrowed,

to be ap-  
 plied to like  
 purpose.

IX. And forasmuch as the money, so to be collected by such  
 receipt of the said toll, will not at present be sufficient for the speedy  
 repairing of the said highways or roads: be it further enacted by  
 the authority aforesaid, That the said trustees, or any fifteen or  
 more of them, shall and may and are hereby empowered from  
 time to time by writing under their respective hands and seals  
 to assign over the said toll or duty hereby granted, or any part  
 thereof, the costs and charges whereof to be born and paid out  
 of such toll or duty, for any term or time during the continu-  
 ance of this act, as a security for any sum or sums of money  
 by them to be borrowed for that purpose, to such person or per-  
 sons, or their trustees, who shall advance and lend the same,  
 to secure the re-payment thereof with lawful interest, or less, if  
 the same can be so had; which said money-borrowed shall be ap-  
 plied and disposed of, as the said toll or duty is by this act to  
 be applied and disposed of, and to no other use or purpose what-  
 soever.

Persons de-  
 livering a tick-  
 et of payment  
 at one gate,

X. Provided always, That in case there shall be more than  
 one gate or turnpike in, across, or on the side of the said high-  
 ways

ways or roads between the said city of Dublin and the said A. D. town of Dunleer, no person or persons having paid the toll or 1731. duty at the first gate or turnpike, through which such person Chap. 15. or persons shall pass, and producing a note or ticket that the said toll or duty was paid, which note or ticket the receiver <sup>not liable to</sup> or receivers, collector or collectors, is and are hereby required <sup>pay at ano-</sup> to give *gratis*, shall be liable to pay any toll or duty at any <sup>ther the same</sup> other of the said gates or turnpikes upon or on the side of <sup>day:</sup> the said high-way or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons, having occasion to pass <sup>nor return-</sup> the place or places where the toll or duty is taken, who shall re- <sup>ing same day</sup> turn the same day upon or with the same horse, mare, gelding, <sup>with same</sup> ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash, <sup>horse or car-</sup> waggon, cart, car, or other carriage, shall be lyable or compella- <sup>riage.</sup> ble the same day to pay the said toll or duty more than once on the said road.

XI. And for preventing frauds and abuses in the said toll <sup>Giver and</sup> or duty; be it enacted by the authority aforesaid, That if any <sup>receiver of a</sup> person or persons, having paid the toll or duty by this act <sup>ticket to avoid</sup> granted and made payable, and having such note or ticket, <sup>payment of</sup> notes or tickets, as hereby directed, shall give or dispose of <sup>toll, forfeit</sup> the same to any other person or persons in order to avoid <sup>10 s. respec-</sup> the payment of the said toll or duty, every such person giv- <sup>tively.</sup> ing, disposing, or offering, and the person receiving, such note or ticket, notes or tickets; and being thereof convicted upon oath before the said trustees, or any seven or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, which oath the said trustees and said justice or justices are hereby empowered to administer, shall respectively forfeit and pay the sum of ten shillings, to be levied, recovered, and disposed of, as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

XII. Provided always, and it is hereby declared, That during <sup>No toll paid</sup> the continuance of this act all coaches and passengers on horse- <sup>on days of</sup> back shall pass and repass toll-free on the day or days on <sup>election for</sup> which there shall be an election for knight or knights of the <sup>Dublin,</sup> shire to serve in Parliament for the counties of Dublin, Meath, <sup>Meath, and</sup> and Lowth, or citizens for the said city of Dublin, or for any <sup>Lowth, &c.</sup> burgess to serve in Parliament for the said town of Drogheda, or for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding.

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6 Y

XIII. And

A. D. XIII. And be it further enacted by the authority aforesaid,  
 1731. That the said trustees, or any seven or more of them, may and  
 Chap. 15. are hereby impowered from time to time, as they shall see conve-  
 nient or think fit, to compound or agree by the year or other-  
 wise with any person or persons using to travel through the  
 turnpike or turnpikes to be erected with any milch cows,  
 horse, mare, or gelding, ass or mule, or with any coach, berlin,  
 calash, chaise, chair, waggon, cart, carr, or other carriage, for  
 any sum or sums of money, to be paid quarterly from time to  
 time after such agreement shall be made.

XIV. Provided also, and it is hereby declared, that no person  
 shall be charged with any of the tolls or duties aforesaid, who shall  
 pass through any of the turnpikes to be erected by this act;  
 who shall carry any quantities of stones, gravel, or other ma-  
 terials for repairing of the said roads, or any of the roads in  
 the parishes in which the same do lye, or in any of the neigh-  
 bouring parishes; nor shall any person or persons be chargeable  
 with the said toll or duty, or any carts, carrs, or waggons, loaded  
 with corn in the straw only; nor for any ploughs, harrows, or  
 other implements of husbandry, in order to the using or repair-  
 ing of the same in the several parishes in which the said high-  
 ways or roads hereby intended to be repaired do lye; nor shall  
 any toll or duty be demanded or taken at any of the turnpikes to  
 be erected for any horse, mare, gelding, ass, or mule, or other  
 cattle going to water, or for any post-horse carrying the mail or  
 packet, or for such horse as is or shall be used only to ride on by  
 the owner or the driver of any waggon, cart, or carriage, provided  
 such horse pass through the said turnpike or turnpikes with such  
 waggon, cart, or carriage; nor shall any toll or duty be demanded  
 or taken for any horse or horses of soldiers passing, that are up-  
 on their march, or for any waggons, carts, cars, or other car-  
 riages attending them; or for horses, waggons, carts, cars, or  
 other carriages travelling with vagrants sent by passes, or with  
 prisoners transmitted from one part of the kingdom to another.

XV. And be it further enacted by the authority aforesaid,  
 That the toll or duty hereby granted shall take place and have  
 continuance only from and after the tenth day of March in the  
 year of our Lord one thousand seven hundred and thirty one for  
 and during the term of twenty one years.

XVI. Provided nevertheless, That if at any time before the  
 expiration of the said term of twenty one years all parts of the  
 said roads shall be sufficiently amended and repaired, and so ad-  
 judged by the majority of the trustees appointed, or hereafter to  
 be chosen, by virtue of this act by an adjudication under their  
 hands and seals, that then from and after such adjudication made,  
 and

7 trustees  
 may com-  
 pound,  
 23 G. 2. 16.  
 payable  
 quarterly.

Exempt  
 from toll.  
 Persons car-  
 rying materials  
 for repairing  
 said road, or  
 any roads in  
 neighbouring  
 parishes,

or corn in  
 straw only,

implements  
 of husbandry  
 to be used in  
 parishes in  
 which said  
 roads lye,  
 cattle going  
 to water;

Post-horses  
 with the mail,  
 the wag-  
 goner's horse,

soldiers on  
 march,

vagrants  
 passed, or  
 prisoners  
 transmitted.

Continu-  
 ance of said  
 toll 21 years  
 from 10  
 March 1731.

7 G. 2. 18.  
 continued 22  
 years, &c.  
 except as there-  
 by altered.

unless said  
 road is before  
 adjudged by  
 majority of  
 trustees under  
 hand and seal  
 sufficiently re-  
 paired,

and repayment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

XVII. And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any seven or more of them, upon the death of any of the said trustees, removal, or refusing to act in the said trust, by any writing or writings under their hands and seals from time to time and at all times hereafter, during the term aforesaid, to elect, nominate, and appoint, in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able person or persons living in the said counties of Dublin, Meath, or Lowth, or county of the town of Drogheda, to be joined with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act; and all and every person or persons, so to be chosen trustee or trustees to join in putting this act in execution, as they are herein before qualified to do, shall, and may, and are hereby empowered to act to all intents and purposes in as full, large, and ample manner, as the said trustees are by this act empowered to do, and so *toties quoties* as often as occasion shall be and require.

XVIII. And be it further enacted by the authority aforesaid, That the said trustees, or any twenty one or more of them, shall meet at the tholsel in the city of Dublin, on the first Thursday in the month of March in the year of our Lord one thousand seven hundred and thirty one, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any seven or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting, and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at the respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be had, or at some other convenient house

A. D.  
1731.  
Chap. 15.  
and money  
advanced re-  
paid.  
7 trustees,  
on death, re-  
moval, or re-  
fusing to act,  
may elect o-  
thers living in  
said counties.

21 trustees  
shall meet at  
the Tholsel  
1st Thursday  
in March  
1731,

adjourn  
and meet at  
any place near  
said road as  
often as ne-  
cessary.

and, for  
want of suffi-  
cient number,

the clerk  
affixing notice  
on the gates  
10 days before  
shall appoint  
meeting,

A. D. house near the said roads, on the day fortnight next after the day 1731. upon which such last meeting of the said trustees was appointed Chap. 15. to have been held; and that the said trustees at their first meeting and at all their subsequent meetings shall defray their own charges and expences.

Trustees at meeting defray their own charges.

None having place of profit out of the toll shall be trustee.

XIX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons appointed or to be appointed by this act a trustee or trustees for putting this act in execution shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted; but such person or persons shall be incapable, from the time of accepting and continuing to enjoy such place of profit, of acting as a trustee.

Suits against persons for acting laid in said counties only.

Defendants may plead general issue, &c.

and have treble costs on non-suit, &c.

XX. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, in every such case the action shall be laid in the said county of Dublin, county of Meath, county of Lowth, or county of the town of Drogheda, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in any other cases by law.

This a public act.

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a public act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever without specially pleading the same.

*An act for repairing the road leading from the city of Dublin, to the town of Kinegad in the county of West-Meath.*

WHEREAS the highways or roads leading from the city of Dublin through the towns of Kilmainham, Island-bridge, Chappel-izod, Palmerstown, Lucan, Leixlip, Monouth, Kilcock, Cloncurry, and from thence to Kinegad in the county of West-Meath, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in the winter season many parts thereof are impassable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually mended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highways and roads, it shall be in the power of his grace John lord archbishop of Dublin, the right honourable Robert earl of Kildare, the right honourable Chaworth earl of Meath, the right honourable Richard earl of Ross, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the right honourable Richard lord viscount Molesworth, the right honourable Francis lord baron of Athenree, the right honourable Henry lord baron of Santry, the right honourable George lord baron St. George, the right honourable George lord baron Forbes, the right honourable Edward lord viscount Mountcashell, the right reverend father in God Ralph lord bishop of Meath, the right reverend father in God Welbore lord bishop of Kildare, the right reverend father in God Arthur lord bishop of Fernes, the right honourable William Conolly, the right honourable Marmaduke Coghill, the right honourable Richard Tighe, the right honourable general Owen Wynne, the right honourable Benjamin Parry esquires, the right honourable Sir Thomas Taylor baronet, Sir Arthur Gore baronet, Sir Compton Domville baronet, Sir Edward Crofton baronet, Sir Robert Newcomen baronet, Sir Gerald Aylmer baronet,

7 G. 2. 21.  
made more effectual.

The road not to be repaired by the ordinary course.

Trustees appointed, for repair thereof.

23 G. 2. 16.  
may sue, &c. as if incorporated, and must have freehold of 50 l. per ann. or 1000 l.

A. D. baronet, Sir Henry Tute baronet, Sir William Parsons baronet;  
 1731. Sir Henry King baronet, Sir Richard Levings baronet, the ho-  
 Chap. 16. nourable William Molefworth, the honourable Gustavus Hamil-  
 ton, the honourable Byffe Molefworth, the honourable Humphry  
 Butler, the honourable Richard Allen, the honourable Robert  
 Allen, the honourable Henry Hamilton, the honourable Tho-  
 mas Butler, the honourable ———— Mc. Carthy, Agmon-  
 disham Vefey esquires, colonel Anthony Sheppard, Henry Sand-  
 ford, Robert Sandford, Anthony Sheppard junior, Robert Roch-  
 fort, Richard Weisley, Peter Ludlow, Thomas Carter, Hercules  
 Rowley, John Rochfort, Nathaniel Clements, Henry Bingham,  
 Robert Percival, John Bingham, Charles Lambert senior, Freder-  
 ick Trench, Luke Gardiner, William Gore of Woodford,  
 Maurice Keating, William Smith of Stony-batter esquires, gen-  
 eral Robert Napper, Peter Holmes, Hugh Henry, George Holmes,  
 Thomas Meredyth, Francis North, Michael Cuffe, Clotworthy  
 Shields, Thomas Trotter esquire, doctor of laws, John Wade,  
 Charles Hamilton, Robert Shields, Anthony Malone, Boleign  
 Whitney, Peter Daly, Hans Woods, Richard Warren, Nicholas  
 Aylward, William Handcock, Gustavus Handcock, John Bowes,  
 Richard Malone, Nathaniel Preston, Marcus Anthony Morgan,  
 John Blackney, Thomas Taylor, John Brown of Westport,  
 Thomas Caulfield, Theobald Caulfield, John Bourke, Henry  
 White, David Chaigneau, Robert Waller, James Whitshed,  
 Roger Jones, Arthur Dillon, Thomas Upton, William Gore,  
 Arthur Gore esquires, colonel Robert Blakeney, colonel Thomas  
 Bellew, colonel Phineas Bowles, Thomas Burgh, Joseph Ash, Wil-  
 liam Beckett, Henry Edgworth, Enoch Sterne, Thomas Loftus,  
 Thomas Staunton, Warden Flood, Richard Evelyn, John Arobon,  
 Colly Lyons, Robert Harman, John Donellan, Charles Lambert ju-  
 nior, Patrick Fox, John Digby, Wentworth Harman, George  
 Warren, Benjamin Pratt, Bruen Worthington, Walter Burton,  
 James Somerville, Thomas Judge, Theobald Dillon, Ralph  
 Smith, Oliver Moore, William Smith, Patrick French, John  
 Maxwell, Robert Dillon, Agmondisham Vefey junior, Francis  
 Allen, Arthur Ormsby, Darby Clark, Edmond Donnellan, James  
 Mc. Manus, Charles Dunsterville, Thomas Dance, Edward  
 Bolton, William Cane, Richard Cane, Boyle Spencer, John  
 King, William Sandford, Arthur French, William Sheppard,  
 Robert French, James Sandford, Frederick Trench, Charles  
 Aylmer, Arthur Newcomen, Thomas Newcomen, Joshua Co-  
 oper, Edward Dering, St. George Caulfield, Thomas Lum, Tho-  
 mas Wakely, John Gay, Hugh Milton, James Nesbit, John  
 Mc. Carrol, Robert Cooke, captain Shugbro Whitney, colonel  
 Jasper Tryce, William Moore esquire, deputy commissary gene-  
 ral



ral, Dudley Colley, Lewis Mears, Henry Hatch, John Allen, A. D. William Cockfidge, William Hawkins senior, William Hawkins junior, John Hawkins, Narcissus Proby, Daniel Reddy, Francis Mc. Manus, John Lyons junior, William Steares, Edward Crofton, Humphry Borr, James Copperthwaite, Charles Armstrong, Oliver Barker, Robert Adair, George Nugent, James Garstin, William Murry, Robert Fox, Theobald Bourke, Walter Birmingham, Lewis Moore, George Cubbaidge, Adam Kyan, James Nugent esquires, the reverend dean Dobbin, the reverend George Marlay, the reverend Mr. Hill, the reverend dean Taylor, the reverend dean Winter, the reverend Daniel Jackson, the reverend Benjamin Gregory, the reverend Mr. Dean, the reverend James Garstin, the reverend Henry Duncan, the reverend John Kyan clerks, Robert Blakeney merchant, Adam Kidder, George Tyrrel, John Tyrrel, Thomas Bomford, Stephen Bomford, Eleazer Sterne, Thomas Jones, William Fitz-Simons, Roger Tuchill, John Tue, John Hendrick, William Tue, and George Finney gentlemen, who are hereby nominated and appointed trustees of the said roads, and the survivors of them, that they, or any five or more of them, or such person or persons as they, or any five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or across any part or parts of the said highways or roads; and also a toll-house or toll-houses, and there shall receive and take the tolls and duties following before any horse, mare, or gelding, ass, or mule, cattle, coach, Berlin, chariot, calash, chaise, chair, waggon, wain, cart, car, or other carriage, shall be permitted to pass through the same, viz. for every coach, Berlin, chariot, calash, chaise, or chair drawn by six horses or more, the sum of one shilling; and for every coach, Berlin, chariot, calash, chaise, or chair drawn by any less number of horses than six, and more than one, the sum of six pence; for every waggon, wain, cart, car, or other carriage with four wheels, the sum of eight pence; for every wain, cart, car, or other carriage with two wheels, having more than one horse, mare, or gelding, ass, or mule, the sum of three pence; for every carriage commonly called a chair or chaise with one horse, mare, gelding, or mule, the sum of two pence; for every ear or other carriages having but one horse, mare, or gelding, ass or mule, the sum of one penny; for every horse, mare, gelding, mule, or ass, laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle, the sum of ten pence *per* score, and so in proportion for any greater or lesser number; for every drove of calves, hogs, sheep, or lambs, the sum of five pence *per* score, and so in proportion for any greater

Any 5 may erect gates, turnpikes, and toll-houses,

and take toll. 7 G. 2. 21. altered.

For a coach or six horses, 1 s. if less than 6, and above one, 6 d. 4 wheeled wains, 8 d.

2 wheeled, and more than 1 horse, 3 d. a chaise and 1 horse, 2 d. Carriage and one horse, 1 d.

a horse not drawing, one halfpenny.

Oxen, 10 d. calves, 5 d. per score.

or

**A. D.** or lesser number ; which said respective sum and, sums of money shall be demanded and taken in the name of or as a toll  
**1731.** or duty, and the money so to be raised as aforesaid is and  
**Chap. 16.** shall hereby be vested in the said trustees, and the same, and every part thereof, shall be paid, applied, disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed ; and the said trustees, or any five or more of them, are hereby impowered by themselves, or any person or persons by them, or any five or more of them, under their hands and seals thereunto authorized, to levy the toll or duty hereby required to be paid upon any person or persons, who shall after demand made thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods or chattles of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid ; and it shall and may be lawful to and for such person or persons so distraining, after the space of five days after such distress made and taken, to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof, after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

The money raised vested in the trustees ;

any five, may on non-payment levy by distress,

and sell in 5 days.

After charges paid, the profits laid out on the road.

**II.** And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses, and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the toll to be collected, at any turnpike or turnpikes to be erected and set up on the said road leading from the city of Dublin to Kinnegad in the county of Westmeath, shall be applied for and towards the repair of the said road only, and not elsewhere.

Owners of land adjoining permitting passage,

**III.** And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act, shall for gain, reward, or otherwise, wittingly or willingly permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach, Berlin, chariot, calash, chaise, or chair, waggon, wain, cart, car, or carriage, or riding, or driving any horse, ass, or mule, or any sort of cattle, and be thereof convicted upon oath before the said trustees,

§

or

or any five or more of them, or before one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, who are hereby impowered and required to administer such oath, every person so offending shall forfeit and pay to the trustees authorized to put this act in execution the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal or under the hands and seals of the said trustees, or any five or more of them, or such justice or justices, rendering the overplus to the owner (if any be) the charges in taking and disposing of the said goods being first deducted.

A. D.  
1731.  
Chap. 16.  
penalty 10s.  
to trustees.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the side of the said highways or roads across any lane or way leading out of the said road, and toll-house or toll-houses, and there to receive and take such toll as is appointed by this act to be taken, so as the same do not extend to a double charge, in case of passing through any other of the turnpikes to be erected by virtue of this act between the said city of Dublin and the said town of Kinnegad aforesaid.

Gates, &c.  
may be erected  
on the side,  
cross any way  
leading out of  
said road,  
and toll col-  
lected, so as  
no double  
charge.

V. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, at their first meeting, or any succeeding meeting, by writing under their hands and seals shall and may elect, nominate, and appoint, one or more fit person or persons to be receiver or receivers, collector or collectors, of such money, in the name of such toll or duty as shall be due and payable by virtue of this act; and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highway or road, and to see that the same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied, and from time to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rates aforesaid to the said receiver or receivers, collector or collectors, of the said toll or duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor or surveyors as aforesaid, shall upon oath, if thereunto required by the trustees, or any five or more of them, or before one or more justice or justices of the peace residing near the

trustees  
at meeting  
may appoint  
receivers and  
surveyors,  
remove and  
chuse others.  
Receivers  
and surveyors  
shall account  
on oath, if  
required, in  
writing, on  
first Tuesday  
monthly, or  
highway  
estner.

A. D. highway or road aforesaid (which oath the said trustees, or  
 1731. any five or more of them, or such justice or justices is and  
 Chap. 16. are hereby impowered and required to administer) on the first  
 ~~~~~ Tuesday in every month, or oftner if required, during the con-  
 tinuance of this act, give in a true, exact, and perfect account  
 in writing under their respective hands of all money, which he  
 and they, and every or any of them, shall to such time have re-  
 ceived, paid, and disbursed by virtue of this act by reason of  
 their respective offices, for which oath no fee or reward shall be  
 taken ; and in case any money so received shall remain in their  
 or any of their hands, the same shall be paid to the said trustees,  
 or any five or more of them, or to such person or persons as  
 the said trustees, or any five or more of them (as they are qualified  
 to act) shall by any writing or writings under their hands and  
 seals authorize and impower to receive the same ; which shall be  
 disbursed and laid out in amending the said highway or road  
 according to the true intent and meaning of this act, and not  
 otherwise ; and the said trustees, or any five or more of them,  
 to whom such account shall be given, shall and may out of the  
 money arising by the said toll or duty make such allowance to  
 the said receiver or receivers, collector or collectors, and the  
 surveyor or surveyors, for and in consideration of his and their  
 care and pains respectively taken in the execution of his  
 and their office and offices, and to such other person or  
 persons, who have been or shall be assisting in and about  
 procuring the said highways and roads to be amended and repaired  
 by advancing or laying out any moneys, or otherwise relating  
 thereto, as to them shall seem good, so as such allowance or  
 allowances to such collector or collectors do not annually exceed  
 in the whole the sum of thirty pounds, and to such surveyor or  
 surveyors the sum of two shillings and six pence *per diem*, during  
 such time or times as he or they shall be respectively employed in  
 the repair of the said roads ; and so as such allowance or allow-  
 ances to any other person or persons, who shall be employed by  
 virtue of this act, do not exceed the sum of fifteen pounds year-  
 ly to each person : and in case the said receiver or receivers,  
 collector or collectors, of the aforesaid toll and duty, or any  
 of them, shall not make such account and payment unto such  
 person and persons according to the orders and directions of  
 the said trustees, or any five or more of them, as aforesaid, that  
 then the said justices of the peace at any special sessions or meet-  
 ing of them to be holden for the county, in which the said re-  
 ceiver or receivers, collector or collectors, have acted or been em-  
 ployed, and made such default as aforesaid, shall and are hereby  
 required and impowered to make inquiry and finally to deter-  
 mine

and pay  
surplus to  
trustees, &c.

to be laid  
out in the  
road.

Allowance  
to receivers,  
not above 30l.  
yearly,

to surveyors  
2 s. and 6 d.  
*per diem*,  
while employ-  
ed,

to others  
employed, not  
above 15 l.  
each, yearly.  
On default  
of account and  
payment, jus-  
tices at any  
special sessions  
may inquire,

mine of and concerning such default as well by confession or A. D. examination upon oath of the said parties themselves, as by the 1731. testimony of one or more credible witness or witnesses upon oath, Chap. 16. which oath they are hereby impowered and required to administer without fee or reward; and if any person and persons shall be convicted thereof by such justices, the said justices shall upon such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, and such person or persons as he or they shall appoint, to dig, raise, gather, take, and carry away, any gravel, furze, sand, stones, or other materials, out of any waste or common of any parish, town, village, or hamlet, in or near which any foundrous or ruinous places of the said highways or roads do lye; and for want of sufficient gravel, furze, sand, stones, or other materials there, to dig, gather, raise, take, and carry away the same out of the waste or common of any neighbouring parish, town, village, or hamlet, without paying any thing for the same; and where there is not sufficient of such materials in any commons or waste grounds near adjoining, it shall and may be lawful for them by order of the said trustees, or any five or more of them, to dig, raise, and gather the same, in the several grounds of any person or persons, not being a garden, orchard, yard, or meadow, planted-walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof, as the said surveyor or surveyors in their respective places shall adjudge necessary for the repairing and amending the said highways or roads, paying such rate for such materials and for the damage to the owner or occupier of the ground, from whence the same shall be digged, raised, gathered, and carried away, as the trustees appointed or to be appointed to put this act in execution, or any five or more of them, shall adjudge reasonable; and in case of any difference between such owner or occupier and the said trustees touching the value of the materials and damage aforesaid, the judges of assize or the justices of the peace at the next general assizes and general goal delivery or quarter-sessions, to be holden in the county where such materials shall be digged, raised, or gathered, and from whence the same shall be carried away, may and shall adjudge, assess, and finally determine the same.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, Surveyors, &c. may remove annoyances, cleanse

and commit offenders.

Surveyors may dig for materials in any neighbouring waste or common, without paying.

or, if not sufficient, in any persons grounds by order of 5 trustees, not being garden, &c. paying as 5 trustees adjudge reasonable: 11 G. 2. 17. may dig in potatoe gardens.

Differences settled at assizes or sessions.

**A. D.** and such person or persons as he or they shall appoint, from time to time to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired, by removing any filth, dung, ashes, rubbish, water-courses, sinks, or drains running into the said highways or roads, and by cleansing any ditch or water-courses adjoining to the said road, or by cutting down, lopping, or topping any trees or bushes growing in the said highways, or in the hedges or banks adjacent to the said highways, and to take and carry away the same; (the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances for the space of eight days after notice in writing given for that purpose under the hands of five of the said trustees) the charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down the said trees or bushes, or remove such other annoyances as aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees the sum of ten shillings, to be levied in manner aforesaid.

ditches adjoining, lop, or cut down and carry away trees, on neglect of owner 8 days after notice in writing, who are to reimburse the charges.

Offenders after removal shall on conviction before a justice pay 10s. to trustees.

Surveyors by order of 5 trustees may make causeways, drains, and arches in grounds contiguous,

and widen or shorten the road, the ground contiguous not being garden, &c.

and make trenches:

reasonable satisfaction, to owner,

assessed at assizes or sessions on any difference.

**VIII.** And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains through any ground lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads by opening, clearing, and laying into the said highways or roads any such contiguous grounds, or to shorten any parts of the said highways or roads through any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways and roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be laid in or unto the said highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, or through which such shortened roads shall be carried, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices

justices of the peace, or by the major part of them, at the next general assizes or quarter-sessions to be holden for the county, in which such ground shall be laid into the said highways or roads, or through which any such drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-courses, ditch or ditches, adjoining to the said highways or roads shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after eight days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor or surveyors to set any man or men to work to scour, or cleanse, and make the same, and by warrant from any five or more of the said trustees to levy the charges thereof upon the persons, goods, or estates of the owner or owners, occupier or occupiers of such water-course, ditch or ditches, by distress and sale of his, her, and their goods and chattles, rendering the overplus (if any be) to the said owner or occupier after all charges paid.

A. D. 1731.  
Chap. 16.  
Owner not cleansing water-courses or ditches adjoining, on 8 days notice, surveyors may do it,  
23 G. 2. 16.

and by warrant of 5 trustees levy the charge.

IX. And forasmuch as the money so to be collected by such receipt of the toll will not at present be sufficient for the speedy repairing of the said highways or roads: be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall, and may, and are hereby impowered from time to time in writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof; the costs and charges whereof to be born and paid out of such toll or duty, for any time or term during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons, or their trustees, who shall advance and lend the same, to secure the repayment thereof with lawful interest, or less, if the same can be so had; which said money borrowed shall be applied and disposed of, as the said toll or duty is by this act applied and disposed of, and to no other use, intent, or purpose whatsoever.

15 trustees may assign the toll as security for money borrowed to repair the road.

X. Provided always, That in case there shall be more than one gate or turnpike in, across, or on the side of the said highways or roads between the said city of Dublin and Kinnegad, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or du-

Persons delivering a ticket of payment at the first gate, not liable to pay at another,

A. D. ty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, shall  
 1731. be liable to pay any toll or duty at any other of the said gates or  
 Chap. 16. turnpikes upon or on the side of the said highway or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons having occasion to pass the place or places, where the toll or duty is taken, and who shall return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash, waggon, cart, carr, or other carriage, shall be lyable or compellable the same day to pay the said toll or duty more than once on the said road.

nor return-  
 ing same  
 day with same  
 horse or car-  
 riage.

Giver and  
 receiver of a  
 ticket to avoid  
 payment of  
 toll shall re-  
 spectively for-  
 feit 10 s.

XI. And for preventing frauds and abuses in the said toll or duty; be it enacted by the authority aforesaid, That if any person or persons having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give or dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, which oath the said trustees and the said justice or justices are hereby impowered to administer, shall respectively forfeit and pay the sum of ten shillings; to be levied, recovered, and disposed of as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

No toll paid  
 on days of  
 election for  
 Dublin, Kil-  
 dare, and  
 Westmeath,  
 &c.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horseback shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Dublin, Kildare, and Westmeath, or citizens for the said city of Dublin, or for any burghs to serve in Parliament for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding.

5 trustees  
 may com-  
 pound, for  
 any sums, to  
 be paid quar-  
 terly.

23 G. 2. 16.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through any turnpike or turnpikes, to be erected in pursuance of this act, with any milch cows,



cows, horse, mare, or gelding, ass or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, car, or other carriage, for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made. A. D. 1731. Chap. 16.

XIV. Provided also, and it is hereby declared, that no person shall be charged with any of the said tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of Kilkenny-coals, or of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the said parishes in which the same do lye, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty for any carts, carriages, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry in order to the using or repairing of the same in the several parishes in which the said highways or roads hereby intended to be repaired do lye; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage; provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, carriages, or other carriages attending them, or for horses, waggons, carts, carriages, or other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another.

Exempt from toll:

Persons carrying Kilkenny-coals, or materials for repairing said roads, or those of neighbouring parishes:

or corn in straw only:

or Implements of husbandry to be used in the parishes where said roads lye:

or Cattle going to water:

or Post-horse with the mail:

the waggoner's horse. Soldiers on march:

Vagrants passed or prisoners transmitted.

Continuance of said toll 21 years from 25 March 1732.

7 G. 2. 21. continued 21 years, except as altered.

unless before the road adjudged sufficiently repaired by majority of trustees, under hand and seal, and money advanced repaid.

XV. And be it further enacted by the authority aforesaid, That the toll or duty hereby granted shall take place and have continuance only from and after the twenty fifth day of March in the year of our lord one thousand seven hundred and thirty two for and during the term of twenty one years.

XVI. Provided nevertheless, That if at any time before the expiration of the term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the trustees, appointed or hereafter to be chosen by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and re-payment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the said toll and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

XVII. And

A. D. XVII. And be it further enacted by the authority aforesaid,  
 1731. That for the continuing of a sufficient number of fit and able per-  
 Chap. 16. sons to be trustees for putting in execution all and every the pow-  
 ~~~~~ ers in this act contained for and during the continuance thereof  
 Five trustees, it shall and may be lawful to and for the said trustees, or any five  
 on death, re- or more of them, upon the death of any of the said trustees, re-  
 moval, or re- moval, or refusing to act in the said trust, by any writing or writ-  
 fusing to act, may elect o- ings under their hands and seals from time to time, and at all times  
 thers living in said counties. hereafter during the term aforesaid, to elect, nominate, and appoint  
 in the room of such trustee or trustees so deceased, removed, or re-  
 fusing to act, so many more fit and able person or persons, living  
 in the said counties of Dublin, Kildare, or West-Meath, to be  
 joyned with the said trustees in the execution of all and every the  
 power and powers in them reposed by virtue of this act; and all  
 and every person or persons, so to be chosen trustee or trustees to  
 joyn in putting this act in execution, as they are herein before  
 qualified to do, shall, and may, and are hereby impowered to act  
 to all intents and purposes, in as full, large, and ample manner as  
 the said trustees are by this act impowered to do, and so *toties*  
*quoties* as often as occasion shall be or require.

XVIII. And be it further enacted by the authority aforesaid,  
 That the said trustees, or any twenty one or more of them, shall  
 meet at the Tholsel of the city of Dublin on the first Tuesday  
 in the month of March in the year of our Lord one thousand se-  
 ven hundred and thirty one, and the said trustees shall then ad-  
 ~~~~~ journ themselves, and afterwards meet there, or at any other  
 21 trustees shall meet at the Tholsel first Tuesday in March 1731, place or places near the said highways or roads to be repaired,  
 adjourn and meet near said road, as often as necessary, as the said trustees, or any five or more of them, shall think  
 proper or convenient, as often as it shall be necessary for the put-  
 ting this act in execution; and if it shall happen, that there shall  
 not appear at any meeting, which shall be appointed to be had or  
 held by the said trustees, a sufficient number of trustees to act at  
 such meeting and to adjourn to any other day, then and in such  
 case the clerk to the said trustees by notice in writing, to be  
 affixed at the respective gates or turnpikes at least ten days be-  
 fore the next meeting, shall appoint the said trustees to meet at  
 the house, where the meeting of the said trustees was last appoint-  
 ed to be held, or at some other convenient house near the said  
 roads, on the day fortnight next after the day upon which such  
 last meeting of the said trustees was appointed to have been held;  
 and that the said trustees at their first meeting and at all other  
 their subsequent meetings shall defray their own charges and  
 expences.

▼ XIX. Pro-

XIX. Provided always; and be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted; but such person or persons shall be incapable from the time of accepting and continuing to enjoy such place of profit of acting as a trustee.

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none having place of profit out of the toll shall be trustee.

XX. And whereas the road leading from the bridge at Lucan by the causeway of Saint Katherine's to the town of Leixlip by the sudden and frequent overflowing of the river Liffey over the said causeway is dangerous to passengers, several persons having lost their lives, and many cattle having been drowned, and it is almost impracticable to raise and make the same safe and commodious, and by the building of a bridge over the river in a convenient place, and turning the road another and shorter way, the like accidents will for the time to come be prevented: be it enacted by the authority aforesaid, That the trustees herein appointed, may and shall build a bridge of stone and lime in some convenient place over the said river, and make a new road through the town of Lucan and lands of Cooltreny leading to such bridge, paying and allowing for any damages to the owner or occupier of such lands through which the said road shall be so made; and in case any difference arises between the said trustees and such owner or occupier, the same shall be determined in such manner, as is directed by this act touching other differences herein before mentioned.

Trustees may build a bridge over the Liffey, and make a new road through Lucan, &c.

paying the owner for damages,

Differences determined as aforesaid.

XXI. And be it further enacted by the authority aforesaid; when such bridge is built, and such new road made, that then the road now leading from Lucan by the causeway of Saint Katherine's shall cease to be a high road.

and then the road by St. Katherine's shall not be a high road.

XXII. And be it further enacted by the authority aforesaid; That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action shall be laid in the said county of Dublin, or county of Kildare, or county of West-Meath, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if on any

Suits against persons for acting laid in said counties only,

Defendants may plead general issue, &c.

A. D. demurrer judgment shall be given against the plaintiff; the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law:

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and have treble costs.

this a public act.

XXIII. And be it further enacted by the authority aforesaid; That this act shall be deemed; adjudged, and taken to be a public act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever; without specially pleading the same.

### C H A P. XVII.

*An Act for repairing the road leading from the Black-bull in the county of Meath, to the town of Athboy in the said county.*

The road not to be repaired by ordinary course.

Trustees for repair thereof.  
23 G. 2. 16.  
may sue, &c. as if incorporated, and must have 50 l. per annum, freehold, or 1000 l.

WHEREAS the highway or road leading from the Black-bull inn; situate on the lands of Pierstown in the county of Meath, to the town of Trim, and from thence to the town of Athboy in the said county, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in the winter season many parts thereof are impassable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually amended and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highway or road, it shall be in the power of the right honourable Chaworth earl of Meath, the right honourable Edward earl of Drogheda, the right honourable William lord baron of Howth, the right honourable Brinsley lord viscount Lanesborough, the right honourable Henry lord baron of Santry, Mathew Barnewall esquire, commonly called lord Trimblestown, the right reverend Ralph lord bishop of Meath, the right honourable Sir Ralph Gore baronet, speaker of the honourable house of commons, the honourable Edward Brabazon, the right honourable William Conolly esquires, Sir compton Domville baronet, the right honourable Sir Thomas Taylor baronet, Richard Wesley, Hercules Rowley senior, Hercules Rowley junior, Robert Percival esquires, the reverend doctor Swift dean of St. Patrick's the honourable general Robert Napper, James Lenox Napper, Robert Napper, Thomas Carter, Thomas Blighe, Nathaniel Preston, Peter Ludlow, John Preston senior, John Preston junior, Thomas Meredith, Thomas Pearson, John Wade, esquires, Thomas Trotter esquire doctor of laws, Wentworth Harman, Thomas Fortescue, Charles Lambert senior, Charles Lambert junior, Joseph ash, James Garstin, Thomas Loftus, Marcus Anthony Morgan, Ralph Smith, Thomas Staunton, John Donnellan, Edward Boston esquires, alderman James Summervill, Hans Woodman, *alias* Wood, William Graham, Richard Gorges, William Ludlow, Robert Tighe, Dillon Pollard Hampson, William Becket, Hercules Courtney, Charles Hamilton, Thomas Taylor, Robert Shiels, Benjamin Chapman, Christopher Nicholson, Robert Waller, John Rochfort, Roger Jones, Nathaniel Bull, Michael

*The fifth year of George II.*

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Michael Cuffe, Henry Sandford, Henry Owen, Edward Donellan, Benjamin Pratt, William Longfield, Robert Fox esquires, captain Samuel Woodward, reverend Thomas Willis clerk, reverend Luke Sterling clerk, Walter Nugent, Charles Wade esquires, Charles Batty gentleman, alderman Percival Hunt, alderman Samuel Burton, the reverend Dive Downes clerk, reverend doctor Caleb De Butts, John Tandy, James Clark, Walter Burton, Luke Gardiner, Nathaniel Clements, William Fitz-Herbert, Benedict Arthure, Thomas Moland, Arthur Dillon esquires, reverend Richard Steward clerk, alderman William Quaile, Edward Dudgeon, Bruen Worthington, Hartley Hutchinson esquires, alderman Nathaniel Pearson, Enoch Sterne esquire, reverend doctor John Madden, Christopher Usher, John Sale, Edward Sale, William Smith, John Maxwell, Francis Stoyte, Arthur Dawson, Periam Pole, Richard Foord, Fielding Shaw, Oliver Moore esquires, doctor Thomas Bolton, reverend Richard Bolton clerk, Edward Mocklare gentleman, reverend Stafford Lightburne clerk, reverend doctor Anthony Lowcay, reverend John Smith clerk, reverend Martia Deane clerk, reverend James Garstin clerk, reverend Mr. John Packer clerk, Noah Webb, Robert Owen, Robert Rayner, David Tew, John Tew, Mark Tew, John Fox, Sterne Fighe, William Stear, William Tew, Thomas Bomford, Stephen Bomford, Henry Rowley, John Harris senior, John Harris junior, Thomas Harris, John Carlshore, Josiah Evans, Thomas Williams, John Clarke, William Forster, George Dennis, William Starling, George Tyrrell, dean Swift, Charles Barry, Thomas Vizier, James Wilson, William Noy, Edward Noy, John Potterton, Thomas Nangle, Richard Price, Richard Pilkington, William Fitz-Simons, Robert Williams, Lancelot Fisher, James Reilly, Thomas Dowdall, Daniel Griffin, John Crooke, Christopher Roin, Simon Rochfort, George Wilson, Patrick Sandys, Richard Garland, Robert Fox, and William Hamilton gentlemen; who are hereby nominated and appointed trustees of the said roads, and the survivors of them, that they, or any seven or more of them, or such person or persons as they, or any seven or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or across any part or parts of the said highways or roads; and also a toll-house or toll-houses, and there shall receive and take the tolls and duties following before any horse, mare, gelding, ass, or mule, cattle, coach, berlin chariot, calash, chaise, chair, waggon, wain, cart, car, or other carriage shall be permitted to pass through the same: (*viz.*) for every coach, berlin, chariot, calash, chaise, or chair drawn by six horses or more, the sum of one shilling; and for every coach, berlin, chariot, calash, chaise, or chair drawn by any less number of horses than six, and more than one, the sum of six pence; for every waggon, wain, cart, or carriage with four wheels the sum of eight pence; for every wain, cart, or carriage with two wheels, having more than one horse, mare, gelding, or mule, the sum of three pence; for every carriage commonly called a chair or chaise with one horse, mare, or gelding, the sum of two pence; for every cart or other carriage having but one horse, mare, gelding, or mule, the sum of one penny; for every horse, mare, gelding, mule, or ass laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle, the sum of ten pence *per* score, and so in proportion for any greater or lesser number; for every drove of calves, hogs, sheep, or lambs, the sum of five pence *per* score, and so in proportion for any greater or lesser number; which said respective sum and sums of money shall be demanded and taken in the name of or as a toll or duty; and the money so to be raised as afore-

any 7 may erect gates, turnpikes and toll-houses,

and take toll

for a coach, &c. & 6, 1 s.

less than 6, & above 1, 6 d. 4 wheeled wains, &c. 8 d.

2 wheeled and above 1 horse, 3 d.

chaise and 1 horse, 2 d. other carriage 1 d.

a horse not drawing one half penny, oxen, &c. 10 d. calves, &c. 5 d. *per* score,

the money raised is and shall hereby be vested in the said trustees, and the same and every part thereof shall be paid, applied, disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner as is herein after mentioned and directed;

any 7 &c. may on non-payment levy by distress,

required

**A. D.** required to be paid upon any person or persons, who shall after demand made thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods upon which such toll or duty is by this act imposed, or upon any other of the goods and chattels of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty, with the reasonable charges of such distraining or keeping, shall be paid: and it shall and may be lawful to and for such person or persons so distraining, after the space of five days after such distress made and taken, to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

**II.** And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any seven or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the toll to be collected at any turnpike or turnpikes, to be erected and set upon the said road leading from the Black-bull aforesaid to the town of Athboy, shall be applied for and towards the repair of the said road only, and not elsewhere.

**III.** And be it further enacted by the authority aforesaid, That if any person or persons whatsoever owning, renting, or occupying any land near unto any turnpike, to be erected in pursuance of this act, shall for gain, reward, or otherwise, willingly permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach, berlin, chariot, calash, chaise, or chair, waggon, wain, cart, carr, carriage, or riding or driving any horse, ass, mule, or any sort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the said trustees, or any seven or more of them, or before one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, who are hereby impowered and required to administer such oath, every person so offending shall forfeit and pay to the trustees authorized to put this act in execution the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal or under the hands and seals of the said trustees, or any seven or more of them, or such justice or justices, rendering the overplus to the owner (if any be) the charges in taking and disposing of the said goods being first deducted.

**IV.** And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any seven or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the side of the said high ways or roads across any lane or way leading out of the said road, and to build one or more toll-house or toll-houses, and there to receive and take such toll as is appointed by this act to be taken, so as the same do not extend to a double charge in case of passing through any other of the turnpikes, to be erected by virtue of this act between the said Black-bull-inn and town of Athboy.

**V.** And be it further enacted by the authority aforesaid, That the said trustees, or any seven or more of them, at their first meeting or any succeeding meeting by writing under their hands and seals shall and may elect, nominate, and appoint, one or more fit person or persons to be receiver or receivers, collector or collectors of such money, in the name of such toll or duty, as shall be due and payable by virtue of this act; and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highway or road, and to see that the same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied; and from time to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this

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and sell after 5 days.

after paying charges, the profits laid out on the road.

owners of land near a turnpike permitting passage,

penalty to s. to trustees.

Gates, &amp;c. may be erected on the side, cross any way leading out of said road, and toll collected, so as no double charge.

7 trustees at meeting may appoint receivers and surveyors,

remove and elect others:

this act lyable to pay the said toll or duty, is and are hereby required to pay the same after the rates aforesaid to the said receiver or receivers, collector or collectors, of the said toll or duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor or surveyors as aforesaid, shall upon oath, if thereto required by the trustees, or any seven or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid, which oath such trustees, or any seven or more of them, or such justice and justices, is and are hereby impowered and required to administer on the first Tuesday in every month, or oftner, (if required) during the continuance of this act give in a true, exact, and perfect account in writing under their respective hands, of all moneys, which he and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act by reason of their respective offices, for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any seven or more of them, or to such person or persons as the said trustees, or any seven or more of them (as they are qualified to act) shall by any writing or writings under their hands and seals authorize and impower to receive the same; which shall be disbursed and laid out in amending the said highways or roads according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any seven or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty make such allowance unto the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons who have been or shall be assisting in and about procuring the said highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwise relating thereunto, as to them shall seem good; so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds, and to such surveyor or surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said roads; and so as such allowance or allowances to any other person or persons, who shall be employed by virtue of this act, do not exceed the sum of fifteen pounds yearly to each person; and in case the said receiver or receivers, collector or collectors, of the aforesaid toll or duty, or any of them, shall not make such account and payment unto such person or persons according to the orders and directions of the said trustees, or any seven or more of them as aforesaid, that then the said justices of the peace, at any special sessions or meeting of them, to be holden for the county in which the said receiver or receivers, collector or collectors, have acted or been employed, and made such default as aforesaid, shall and are hereby required and impowered to make inquiry, and finally to determine of and concerning such default, as well by confession or examination upon oath of the said parties themselves, as by the testimony of one or more credible witnesses or witnesses upon oath, which oath they are hereby impowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof by such justices, the said justices shall upon such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor and surveyors, and such person or persons as he or they shall appoint, to dig, raise, gather, take, and carry away any gravel, furze, sand, stones, or other materials, out of any waste or common of any parish, town, village, or hamlet, in or near which any foundrous or ruinous places of the said highways or roads do lie, and for want of sufficient gravel, furze, sand, stones, or other materials there to dig, gather, raise, take, and carry away the same out of the waste or common of any neighbouring parish, town, village, or hamlet,

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Receivers and surveyors shall account in writing, on oath if required, on first Tuesday monthly, or oftner,

and pay surplus to trustees, &c.

to be laid out on the road.

Allowance to receivers not above 30 l. yearly in the whole, to surveyors 3 s. *per diem*, while employed, to others, not above 15 l. each yearly.

On default of account and payment, justices at special sessions shall inquire, and commit offenders.

Surveyors, &c. may dig for materials in any neighbouring waste or common, without paying, and, if not sufficient, in any grounds by order of 7 trustees, without

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not being gar-  
den, &c.

11 G. 2. 17:  
may dig in pota-  
toe gardens.  
paying the  
owner,

Differences set-  
tled at assizes or  
sessions.

Surveyors may  
remove annoy-  
ances, cleanse  
ditches adjoin-  
ing, lop, or cut  
and carry away  
trees, on neglect  
of owner 10  
days after no-  
tice in writing by  
7 trustees,

charges reim-  
bursed by own-  
er.

Offenders, after  
removal, pay on  
conviction be-  
fore a justice  
10 s. to trustees.

Surveyors by  
order of 7 tru-  
stees may make  
causeways,  
drains, and  
arches in  
grounds conti-  
guous,  
and widen the  
road by taking in  
ground, not be-  
ing garden, &c.  
making rea-  
sonable satisfac-  
tion.  
assessed at assi-  
zes or sessions  
on any diffi-  
culty.

without paying any thing for the same; and where there is not sufficient of such materials in any commons or waste grounds near adjoining, it shall and may be law-ful for them by order of the said trustees, or any seven or more of them, to dig, raise, and gather the same in the several grounds of any person or persons not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof, as the said surveyor or surveyors in their respective places shall adjudge necessary for the repairing and amending the said highways or roads; paying such rate for such materials, and for the damage to the owner or occupier of the ground, from whence the same shall be digged, raised, gathered, and carried away, as the trustees appointed or to be appointed to put this act in execution shall adjudge reasonable; and in case of any difference between such owner or oc-cupier and the said trustees touching the value of the materials and damage afore-said, the judges of assize at the next general assizes and general goal delivery, to be holden in the county where such materials shall be digged, raised, or gathered, and from whence the same shall be carried away, may and shall adjudge, assess, and finally determine the same.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the surveyor or surveyors, and such person or persons as he or they shall appoint from time to time, to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired by filth, dung, ashes, rubbish, water-courses, sinks, or drains, running into the said highways or roads, and to cleanse any ditch or water-courses adjoining to the said roads, or to cut down, lop, or top any trees or bushes growing in the said highways, or in the hedges or banks adjacent to the said highways, and to take and carry away the same; the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances, for the space of ten days after notice in writing given for that purpose under the hands of seven of the said trustees; the charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down the said trees or bushes, or to remove such other annoyances aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county, where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees, where such offence shall be committed, the sum of ten shillings, to be levied in manner aforesaid.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any seven or more of them, to make or cause to be made cause-ways, and to cut and make drains through any grounds lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted walk, or ave-nue to a house; and also to cause ditches or trenches to be made in such places, and in such manner, as such surveyor or surveyors by order of the said trustees, or any seven or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair; making such reasonable satisfac-tion to the owner or occupier of such ground, which shall be so laid in or unto the said highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize at the next general assizes to be holden for the county, in which such ground shall be laid into the said highways or roads, and through which any such drain or drains, ditch or ditches shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case



case of any difference concerning the same; and if any owner or occupier of any water-courses, ditch or ditches, adjoining to the said highways or roads, shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor and surveyors to set any man or men to work to scour or cleanse and make the same, and by warrant from any seven or more of the said trustees to levy the charge thereof upon the persons, goods, or estates of the owner or owners, occupier or occupiers, of such water-course, ditch or ditches, by distress and sale of his, her, and their goods and chattels, rendering the overplus (if any be) to the said owner or occupier, after all charges paid.

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If water courses and ditches adjoining not cleaned by owner on 10 days notice, surveyors may do it. 23 G. 2. 16. and by warrant of 7 trustees levy the charge.

IX. And forasmuch as the moneys, so to be collected by such receipt of the said toll, will not at present be sufficient for the speedy repairing of the said highways or roads: be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall, and may, and are hereby empowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof, the costs and charges whereof to be born and paid out of such toll or duty for any term or time during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons or their trustees who shall advance and lend the same, to secure the re-payment thereof, with lawful interest, or less, if the same can be so had; which said money borrowed shall be applied and disposed of, as the said toll or duty is by this act to be applied and disposed of, and to no other use, intent, or purpose whatsoever.

15 trustees may assign the toll as security for money borrowed to repair the road.

X. Provided always, That in case there shall be more than one gate or turnpike in, across, or on the side of the said highways or roads between the said Black-bull-Inn and the said town of Athboy, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid, (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis) shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said highway or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons having occasion to pass the place or places, where the toll or duty is taken, and shall return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, chariot, Berlin, chaise, chair, calash, waggon, cart, car, or other carriage, shall be liable or compellable the same day to pay the said toll or duty more than once on the said road.

Persons delivering ticket of payment at one gate, not liable to pay at another.

Nor returning same day with same horse or carriage.

XI. And for preventing frauds and abuses in the said toll or duty be it enacted by the authority aforesaid, That if any person or persons, having paid the toll or duty by this act granted and made payable; and having such note or ticket, notes or tickets, as are hereby directed, shall give or dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any seven or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, which oath the said trustees and the said justice or justices are hereby empowered to administer, shall respectively forfeit and pay the sum of ten shillings, to be levied, recovered, and disposed of, as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

Given and receiver of a ticket to avoid payment of toll, forfeits 10 s. respectively.

XII. Provided always, and it is hereby declared, that during the continuance of this act all coaches and passengers on horse-back shall pass and repass toll free on

No toll paid on days of election the

A D. the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the county of Meath, or for any burghs to serve in Parliament for any burrough in the said county; any thing herein contained to the contrary notwithstanding.

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tion for Meath,  
or a borough  
there.

7 trustees may  
compound for a  
sum payable  
quarterly.

23 G. 2. 15.

Exempt from  
toll,

persons car-  
rying materials  
for repairing said  
road, or roads in  
neighbouring  
parishes,

or corn in  
straw only,  
or implements  
of husbandry to  
be used in pa-  
rishes in which  
said roads lye

Cattle going  
to water,  
post-horse  
with the mail,  
waggoner's  
horse,

soldiers on  
march,  
vagrants pas-  
sed, or prisoners  
transmitted.

Continuance  
21 years from  
10 March 1731.

Unless the  
road adjudged  
before by major-  
ity of trustees  
under hand and  
seal sufficiently  
repaired,

and money ad-  
vanced repaid.

7 trustees on  
death, removal,  
or refusing to act  
may elect others  
living in Meath.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any seven or more of them, may, and are hereby impowered from time to time, as they shall see convenient, or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through the turnpike or turnpikes to be erected with any milch cows, horse, mare, or gelding, ass or mule, or with any coach, Berlin, calash, chaise, chair, waggon, cart, car, or other carriage, for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made.

XIV. Provided also, and it is hereby declared, That no person or persons shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lie, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty for any carts, cars, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry, in order to the using or repairing of the same in the several parishes in which the said highways or roads hereby intended to be repaired do lie; nor shall any toll or duty be demanded or taken at any of the turn-pikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or the driver of any waggon, cart, or carriage, provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for any horse or horses of soldiers passing, that are upon their march, or for any waggons, carts, cars, or other carriages attending them, or for horses, waggons, carts, cars, or other carriages, travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another.

XV. And be it further enacted by the authority aforesaid, That the toll or duty hereby granted shall take place, and have continuance only, from and after the tenth day of March in the year of our Lord one thousand seven hundred and thirty one for and during the term of twenty one years.

XVI. Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the trustees appointed, or hereafter to be chosen by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and re-payment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

XVII. And be it enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any seven or more of them upon the death of any of the said trustees, removal, or refusing to act in the said trust, by any writing or writings under their hands and seals from time to time, and at all times hereafter during the term aforesaid, to elect, nominate, and appoint, in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able person or persons living in the said county of Meath to be joined with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act; and all and every person or persons, so to be chosen trustee or trustees to join in putting this act in execution, as they are herein before qualified to do, shall, and may, and they are hereby impowered to act,

act, to all intents and purposes, in as full, large, and ample manner, as the said trustees are by this act impowered to do, and so *toties quoties*, as often as occasion shall be or require.

XVIII. And be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall meet at the Tholsel in the city of Dublin on the second Thursday in the month of March in the year of our Lord one thousand seven hundred and thirty one, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any seven or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting, and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at their respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be had, or at some other convenient house near the said roads, on the day fortnight next after the day upon which such last meeting of the said trustees was appointed to have been held, and that the said trustees at their first meeting and at all other subsequent meetings shall defray their own charges and expenses.

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15 trustees to meet at the Tholsel second Tuesday in March 1731. adjourn and meet near said road as often as necessary, and for want of sufficient number, the clerk by notice fixed to the turnpikes 10 days before shall appoint meeting a fortnight after.

Trustees at meeting bear their own expences.

XIX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted, but such person or persons shall be incapable from the time of accepting and continuing to enjoy such place of profit of acting as a trustee.

none having place of profit out of the toll shall be trustee.

XX. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action shall be laid in the said county of Meath, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, That then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or may have in any other cases by law.

Actions against persons for executing this act, laid in Meath only.

Defendants may plead general issue, &c.

and have treble costs,

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and all other persons whatsoever, without specially pleading the same.

this a publick act.

*An act for repairing the road leading from the town of Kilcullen in the county of Kildare to the city of Kilkenny.*

9 G. 2. 24.  
amended, &c.

The road  
not to be re-  
paired by the  
ordinary  
course.

trustees for  
repair thereof.  
23 G. 2. 16.  
may sue, &c.  
as if incorpo-  
rated.  
and must  
have 50 l. per  
ann. freehold,  
or 1000 l.

**W**HEREAS the highway or road leading from the town of Kilcullen in the county of Kildare through the towns of Castledermott, Catherlogh, Loughlinbridge and from thence to the city of Kilkenny, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in winter-season many parts thereof are impassable for waggons, carts, carrs, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually amended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highway or road it shall be in the power of his grace the archbishop of Dublin, the right honourable Robert earl of Kildare, the right honourable Edward earl of Drogheda, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the right honourable the lord chief baron Marlay, the right reverend the lord bishop of Ferns, the right reverend the lord bishop of Kildare, the right reverend the lord bishop of Ossory, the right honourable Richard Tighe, and the right honourable James Tynte esquires, the honourable Richard Allen, the honourable Richard Butler, and the honourable William Ponsonby esquires, Sir Pierce Butler, Sir William Vigors Burdet, Sir Walter Burrows, and the honourable Sir Theobald Burke baronets, Nicholas Aylward, Maurice Keating, Thomas Carter, Wentworth Harman, Stephen Dean, Patrick Weymes, William Gore, Edward Worth, Richard Warren, Luke Gardiner, John Waller, Edward Stratford, Robert Dixon serjeant at law, John Stratford, John Bourke, Samuel Burton, Thomas Trotter, James Hamilton, Thomas Warren Richard Wolfey, Robert Burton, Warden Flood, Richard Butler, Richard Vincent, Walter Bagnall, John Beauchamp, William Paul, Henry Stanley Monck, and William Tighe esquires, colonel John

John Stewart, John Rochfort, Joshua Paul, Richard Henry A. D. Keating, Thomas Keating, Robert Harman, Charles Aylmer, 1731. Francis Allen, Roger Jones, Philip Doyne, Robert Doyne, Maurice Warren, Henry Bunbury, Philip Bernard, Franks Bernard, Thomas Vigors, Benjamin Bunbury, William Browne of Ballymurphy, Alexander Graydon, Francis North Caesar Colclough, Henry Colclough, Dudley Colclough, Benjamin Beauchamp, John Leigh, Charles Tottenham, John Sherigley, Richard Meredith, George Warren, Henry Warren, Abraham Roth, Thomas Green, Henry Agar, Henry Weymes, John Maxwell, James Agar esquires, colonel Nevill, William Burgh, Thomas Burgh esquires, the reverend Edward Moris clerk, Arthur Weldon, Richard Nuttall, Francis Annesly, Henry Dixon, Ross Fox, Thomas Ash, Joshua Paul junior, Denny Cuffe, Alexander Burrows, William Cooper, Arundel Best, William Wall, Achilles Colombine, Christopher Hewetson senior, Christopher Hewetson junior, Hugh Warren, John Shee, Thomas Roth, Arthur Hefham, Arthur Bush, Amyas Bush, Charles Duggan, Francis Duggan, Edward Dean, Arthur Webb junior, Godfrey Green, Robert Whitby, John Blundel, John Flood, Maurice Cuffe, Nicholas Shee, Theobald Purcell, William Murray esquires, Josiah Jackson, John Linchy, Henry Davis, Charles Fleetwood, Graham Bradford, Terence Egan, Michael Lewis, Joseph Jackson, Thomas Gates, Francis Gates, George Graydon, John Cheny, Andrew Armstrong, James Butler, Charles Dunroch senior, Charles Dunroch junior, Edward Hill, Thomas Cooper, Thomas Brown, Edmund Butler, Hugh Burne, Edward Sherlock, John Baily, Walter Fitz-Gerald, Rowland Eustace, James Large, Edward Rutlage, John Duffrey, John Bennet, Abell Strettell, Charles Bradock, Henry Fullard, John Otwell post-master of Kilcullen, Charles Bradstreet, Richard Wheeler, Thomas Barns senior, Thomas Barns junior, Roger Anderson, Thomas Butler, William Mathews, Henry Baker, William Izod, Lionel Izod, Henry Chandler, Robert Walth, Charles Goddard, John Birch gentlemen, the reverend Robert Watts clerk, Enoch Walth, John Bishop, John Barton, Joseph Evans, Daniel Sullivan, James Blakeney, John Mathews, Charles Flood, Richard Flood, James Burne, Thomas Armstrong, Charles Burne, Miles Burke, Thomas St. John, James Bates, Thomas Medlicott, Simon Cavenagh, Dominick Ford, Francis Flood, Boyle Hewetson, Robert Hewetson, Edmund Byrne, John Symes, Thomas Cantwell, Thomas Bradish, Richard Egan, Richard Mulchahill, Matthew Shore, Michael Wall, Richard Jacob, and William Talbot gentlemen, who are hereby nominated and appointed trustees of the said roads, and the survivors of them, that they, or any five or more of them, or such person or persons as they, or any five or more

any 5, may  
erect gates,  
turnpikes, and  
toll-houses,  
more

A. D. 1731. Chap. 18. more of them, shall authorize and appoint, shall and may erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes; in, upon, or across any part or parts of the said highways or roads; and also a toll-house or toll-houses, and there shall receive and take the tolls and duties following before any horse, mare, or gelding, ass or mule, cattle, coach, berlin, chariot, calash, chaise, chair, waggon, wain, cart, carr, or other carriage, shall be permitted to pass through the same: viz. for every coach, berlin, chariot, calash, chaise, or chair, drawn by six horses or more, the sum of one shilling; and for every coach, berlin, chariot, calash, chaise, or chair, drawn by any less number of horses than six, and more than two, the sum of eight pence; and for every coach, berlin, chariot, calash, chaise or chair, drawn by two horses only, the sum of six pence; and for every chaise or chair drawn by one horse only, the sum of three pence; for every waggon, wain, cart, car, or other carriage with four wheels, the sum of eight pence; for every wain, cart, car, or other carriage with two wheels, having more than one horse, mare, or gelding, ass or mule, the sum of three pence; for every car or other carriage having but one horse, mare, or gelding, ass or mule, the sum of one penny; for every horse, mare, or gelding, ass or mule, whereon one or more persons shall ride, one penny; for every horse, mare, gelding, ass or mule, laden or unladen, and not drawing, nor having any person riding thereon, one halfpenny; for every drove of oxen, or neat cattle, the sum of ten pence *per* score, and so in proportion for any greater or lesser number; for every drove of calves, hogs, sheep, or lambs, the sum of five pence *per* score, and so in proportion for any greater or lesser number; which said respective sum and sums of money shall be demanded and taken in the name of or as a toll or duty; and the money so to be raised as aforesaid is and shall hereby be vested in the said trustees, and the same and every part thereof shall be paid, applied, disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed; and the said trustees, or any five or more of them, are hereby empowered by themselves, or any person or persons by them, or any five or more of them, under their hands and seals thereunto authorized, to levy the toll or duty hereby required to be paid upon any person or persons, who shall after demand thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods and chattles of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall and

and take toll,  
before any  
horse or car-  
riage pass  
through,

the toll.

9 G. 2. 24.  
altered.

The money  
raised vested  
in trustees,

any 5 may on  
non-payment  
levy by dis-  
tress, and sell  
after 5 days.

and may be lawful to and for such person or persons so distrain-  
ing after the space of five days after such distress made and taken  
to sell the goods so distrained, returning the overplus (if any be)  
upon demand to the owner thereof after such toll, duty, and  
reasonable charges for distraining and keeping the same shall be  
deducted and paid.

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Chap. 18.

after pay-  
ing charges,  
to be laid out  
on the road.

II. And be it further enacted by the authority aforesaid, That  
out of the first money arising from the profits of the several turn-  
pikes so to be erected the said trustees, or any five or more of  
them, shall first pay and discharge the expence of procuring this  
act of Parliament, and of erecting such turnpike or turnpikes, or  
building such toll-house or toll-houses; and from and after such  
charges and expences shall be fully satisfied and paid, that then  
and from thenceforth the profits arising from the toll to be col-  
lected at any turnpike or turnpikes, to be erected and set upon the  
said road leading from the town of Kilcullen to the city of Kil-  
kenny, shall be applied for and towards the repair of the said  
road, or any sum or sums of money, as shall be borrowed on the  
credit of the said toll, shall be applied for and towards repairing  
the said road, beginning such repairs at the town of Kilcullen, and  
continuing the same directly on through the town of Catherlough  
to Laughlin-bridge, and after the said road from Kilcullen to  
Laughlin-bridge shall be compleatly amended and repaired, then  
and not before the profit arising by the said toll, or any such sum  
or sums of money, as shall be borrowed on the credit of the said  
toll, shall be applied towards repairing the road leading from  
Laughlin-bridge to the city of Kilkenny only, and not elsewhere.

First from  
Kilcullen to  
Laughlin-  
bridge,

and then to  
Kilkenny.

9 G. 2. 24.  
altered.

III. And be it further enacted by the authority aforesaid, That  
if any person or persons whatsoever owning, renting, or occupy-  
ing any land near unto any turnpike to be erected in pursuance of  
this act shall for gain, reward, or otherwise wittingly or willingly  
permit any person or persons whatsoever to pass through any gate,  
passage, or way, with any coach, berlin, chariot, calash, chaise,  
or chair, waggon, wain, cart, car, or other carriage, or riding or  
driving any horse, ass, or mule, or any sort of cattle, and be there-  
of convicted upon oath before the said trustees, or any five or  
more of them, or before one or more justice or justices of the peace  
for the county, where such offence or offences shall be committed,  
which oath such trustees and justice or justices respectively are  
hereby impowered to administer, every person so offending shall for-  
feit and pay to the trustees authorized to put this act in executi-  
on the sum of ten shillings, to be levied by distress and sale of the  
offenders goods by warrant under the hand and seal or under the  
hands and seals of the said trustees, or any five or more of them,  
or such justice or justices; rendering the overplus to the owner

Owners of  
land near a  
turnpike per-  
mitting pas-  
sage,

Penalty 10 s.  
to trustees.

A. D. (if any be) the charges in taking and disposing of the said goods being first deducted.

1731. Chap. 18. IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the side of the said highways or roads across any lane or way leading out of the said road, and to build one or more toll-house or toll-houses, and there to receive and take such toll, as is appointed by this act to be taken; so as the same do not extend to a double charge in case of passing through any other of the turnpikes to be erected by virtue of this act between the said town of Kilcullen and the said city of Kilkenny:

5 trustees at meeting may appoint collectors and surveyors, V. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, at their first meeting or any succeeding meeting by writing under their hands and seals shall and may elect, nominate, and appoint one or more fit person or persons to be receiver or receivers, collector or collectors, of such money; in the name of such toll or duty as shall be due and payable by virtue of this act, and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highway or road, and to see that the same be repaired and amended; and that the money arising and expended by virtue of this act be duly applied; and from time to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rates aforesaid to the receiver or receivers, collector or collectors, of the said toll and duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor or surveyors as aforesaid, shall upon oath, if thereunto required by the trustees or any five or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid (which oath the said trustees or any five or more of them, or such justice or justices, is and are hereby impowered and required to administer) on the first Tuesday in every month, or oftner, if required, during the continuance of this act give in a true, exact, and perfect account in writing under their respective hands of all moneys, which he and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act by reason of their respective offices, for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any five or more of them, or to such

receivers and collectors to account, in writing, on oath if required, first tuesday monthly, or oftner,

any surplus to be paid to trustees,

and laid out on the road.



such person or persons as the said trustees, or any five or more of them, (as they are qualified to act) shall by any writing or writings under their hands and seals authorize and empower to receive the same; which shall be disbursed and laid out in amending the said highway or road according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any five or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty make such allowance to the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons who have been or shall be assisting in and about procuring the said highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwise relating thereto, as to them shall seem good; so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds; and to such surveyor or surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said roads; and so as such allowance or allowances to any other person or persons who shall be employed by virtue of this act do not exceed the sum of fifteen pounds yearly to each person; and in case the receiver or receivers, collector or collectors, of the aforesaid toll and duty, or any of them, shall not make such account and payment unto such person or persons according to the orders and directions of the said trustees, or any five or more of them as aforesaid, that then the said justices of the peace at any special sessions or meeting of them to be holden for the county, in which the said receiver or receivers, collector or collectors, have acted or been employed, and made such default as aforesaid, shall make inquiry of and concerning such default as well by confession of the said parties themselves, as by the testimony of one or more credible witnesses or witnesses upon oath, which oath they are hereby impowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof by such justices, the said justices shall upon such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid.

A. D.

1731.

Chap. 18.

Allowance  
to receivers  
not above 30l.  
yearly in the  
whole,

to surveyors,  
3 s. *per diem*  
while em-  
ployed,

to others em-  
ployed, not  
above 15l.  
each yearly.

On default  
of account  
and payment  
justices at any  
special sessions  
shall inquire,  
and commit  
offenders.

VI. And

A. D. VI. And be it further enacted by the authority aforesaid;  
 1731. That it shall and may be lawful to and for the said surveyor or  
 Chap. 18. surveyors, and such person or persons as he or they shall appoint,  
 to dig, raise, gather, take, and carry away any gravel, furze,  
 sand, stones, or other materials out of any waste or common  
 of any parish, town, village, or hamlet, in or near which any  
 foundrous or ruinous places of the said highways or roads do  
 lye; and for want of sufficient gravel, furze, sand, stones, or  
 other materials there to dig, raise, gather, take, and carry away  
 the same out of the waste or common of any neighbouring pa-  
 rish, town, village, or hamlet, without paying any thing for the  
 same; and, where there is not sufficient of such materials in any  
 commons or waste grounds near adjoining, it shall and may be law-  
 ful for them by order of the said trustees, or any five or more of  
 them, to dig, raise, and gather the same, in the several grounds  
 of any person or persons, not being a garden, orchard, yard, or  
 meadow, planted walk or walks, or avenue to a house, where  
 any such materials are or may be found, and from time to time to  
 carry away such and so much thereof as the said surveyor or sur-  
 veyors in their respective places shall adjudge necessary for the  
 repairing and amending the said highways or roads; paying  
 such rate for such materials and for the damage to the owner  
 or occupier of the ground from whence the same shall be dig-  
 ged, raised, gathered, and carried away, as the trustees appoint-  
 ed or to be appointed to put this act in execution, or any five or  
 more of them shall judge reasonable; and in case of any differ-  
 ence between such owner or occupier and the said trustees touching  
 the value of the materials or damage aforesaid the judges of assize,  
 or the justices of the peace, at the next general assizes and general  
 goal delivery, or quarter-sessions, to be holden in the county where  
 such materials shall be digged, raised, or gathered, and from  
 whence the same shall be carried away, may and shall adjudge,  
 assess, and finally determine the same.

Surveyors,  
 &c. may dig  
 for materials  
 in any neigh-  
 bouring waste  
 or common  
 without pay-  
 ing.

and if not  
 sufficient, in  
 any person's  
 grounds by  
 order of 5  
 trustees not  
 being garden,  
 11 G. 2. 17.  
 may dig in  
 potatoe garden.

paying, as  
 5 trustees  
 judge reason-  
 able,

Differences  
 determined at  
 assizes or ses-  
 sions.

Surveyors,  
 &c. may re-  
 move annoy-  
 ances, cleanse  
 ditches ad-  
 joining, lop,  
 or cut and  
 carry away  
 trees, on neg-  
 lect of ow-  
 ners 10 days  
 after notice in  
 writing by 5  
 trustees:

VII. And be it further enacted by the authority aforesaid,  
 That it shall and may be lawful to and for the said surveyor or  
 surveyors, and such person and persons as he or they shall  
 appoint, from time to time to remove and prevent annoyances  
 on any part of the said highways or roads hereby intended  
 to be repaired, by removing any filth, dung, ashes, rubbish, water-  
 courses, sinks, or drains, running into the said highways or roads,  
 and by cleansing any ditch or water-courses adjoining to the said  
 roads, or by cutting down, lopping or topping any trees or bushes  
 growing on the said highways, or in the hedges or banks ad-  
 jacent to the said highways, and to take and carry away  
 the same (the owners or occupiers neglecting to cut down  
 such

such trees or bushes, or to remove such other annoyances, for A. D. the space of ten days after notice in writing given for that 1731. purpose under the hands of five of the said trustees) the Chap. 18. charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down <sup>Charges reimbursed by owner.</sup> the said trees or bushes, or remove such other annoyances <sup>Offenders after removal, shall pay on conviction 10 s. to trustees.</sup> afore said; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees the sum of ten shillings, to be levied in manner afore said.

VIII. And be it further enacted by the authority afore said, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains, through any ground lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads, by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause <sup>Surveyors by order of trustees may make causeways, and cut drains, and erect arches in grounds contiguous, and widen the roads by taking in ground not a garden, &c. 9 G. 2. 24. and make trenches;</sup> ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be laid in or unto the said highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices of the peace, or by the major part of them, at the next general assises or quarter-sessions to be holden for the county in which such ground shall be laid into the said highways or roads, or through which any such drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-course, ditch or ditches, adjoining to the said highways or roads, shall neglect or refuse to scour and cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall <sup>reasonable satisfaction to owner,</sup> <sup>assessed at assizes or sessions on any difference,</sup> <sup>Surveyors may cleanse ditches, &c. on owners neglect 10 days after notice. 23 G. 2. 16.</sup> judge

A. D. 1731. judge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or Chap. 18. such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor or surveyors to set any man or men to work to scour and by warrant of trustees levy the charge. or cleanse and make the same, and by warrant from any five or more of the said trustees to levy the charges thereof upon the persons goods or estates of the owner or owners, occupier or occupiers, of such water-course, ditch or ditches, by distress and sale of his, her, or their goods and chattles, rendering the overplus (if any be) to the said owner or occupier after all charges paid.

IX. And forasmuch as the money, so to be collected by such receipt of the toll, will not at present be sufficient for the speedy repairing of the said highways or roads : be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall and may and are hereby empowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof (the costs and charges whereof to be born and paid out of such toll or duty) for any term or time during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons, or their trustees, who shall advance and lend the same, to secure the re-payment thereof with lawful interest, or less, if the same can be so had ; which said money borrowed shall be applied and disposed of, as the said toll or duty should have been applied or disposed of by this act, and to no other use, intent, or purpose whatsoever.

X. Provided always, That in case there shall be more than one gate or turnpike in, across, or on the side of the said highways or roads between the town of Kileullen and the city of Kilkenny, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said high-way or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day ; and no person or persons, having occasion to pass the place or places where the toll or duty is taken, and who shall return the same day upon or with the same horse, mare, gelding, ass,

Persons delivering ticket of payment at one gate, not liable to pay at another, nor returning same day with same horse or carriage.

afs, or mule, cattle, coach, chariot, berlin, chaise, chair, calash, A. D. waggon, cart, car, or other carriage, shall be lyable or compella- 1731.  
ble the same day to pay the said toll or duty more than once on Chap. 18.  
the said road.

XI. And for preventing frauds and abuses in the said toll or <sup>Giver and receiver of a ticket to avoid payment of toll, forfeit 10 s. respec- tively.</sup> duty; be it further enacted by the authority aforesaid, That if any person or persons, having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give and dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving, such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, shall respectively forfeit and pay the sum of ten shillings; to be levied, recovered, and disposed of, as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horse- <sup>Toll-free on days of election for Kildare, Catherlough, Kilkenny, &c.</sup> back shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Kildare, Catherlough, and county of Kilkenny, or citizens for the said city of Kilkenny, or for any burghs to serve in Parliament for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, <sup>5 trustees may compound for a sum to be paid quarterly. 23 G. 2. 16.</sup> That the said trustees, or any five or more of them, may and are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through any of the turnpike or turnpikes to be erected with any milch cows, horse, mare or gelding, afs or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, carr, or other carriage, for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made.

XIV. Provided also, and it is hereby declared, That no person shall be charged with any of the tolls or duties aforesaid, who shall <sup>Exempt from toll. Persons carrying materials for repairing said roads, or those of neighbouring parishes,</sup> pass through any of the turnpikes to be erected by this act, who shall carry any quantity of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lye, or in any of the neighbouring

**A. D.** bouring parishes; nor shall any person or persons be chargeable  
 1731. with the said toll or duty for any carts, carrs, or waggons, loaded  
 Chap. 18. with corn in the straw or turf only; nor for any ploughs, harrows,  
 or other implements of husbandry, in order to the using or repair-  
 ing of the same in the several parishes in which the said high-  
 ways or roads hereby intended to be repaired do lye; nor shall  
 any toll or duty be demanded or taken at any of the turnpikes  
 to be erected for any horse, mare, gelding, ass, or mule, or other  
 cattle going to water, or for any post-horse carrying the mail or  
 packet, or for such horse as is or shall be used only to ride on by  
 the owner or the driver of any waggon, cart, or carriage; pro-  
 vided such horse pass through the said turnpike or turnpikes with  
 such waggon, cart, or carriage; nor shall any toll or duty be de-  
 manded or taken for the horses of soldiers passing, that are upon  
 their march, or for waggons, carts, carrs, or other carriages at-  
 tending them; or for horses, waggons, carts, carrs, or other car-  
 riages travelling with vagrants sent by passes, or with prisoners  
 transmitted from one part of the kingdom to another.

Continuance  
 21 years from  
 1 May 1732.  
 9 G. 2. 24  
 continued 24  
 years, &c.  
 except as there-  
 by altered.  
 unless the  
 road adjudged  
 before by  
 majority of  
 trustees under  
 hand and seal  
 sufficiently a-  
 mended,  
 and money  
 advanced re-  
 paid.

**XV.** And be it further enacted by the authority aforesaid, That the toll or duty hereby granted shall take place and have continuance from and after the first day of May in the year of our Lord one thousand seven hundred and thirty two for and during the term of twenty one years.

**XVI.** Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the said trustees, appointed or hereafter to be chosen by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and repayment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

5 trustees,  
 on death, re-  
 moval, or re-  
 fusing to act,  
 may elect o-  
 thers living in  
 said counties.

**XVII.** And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained for and during the continuance thereof it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, or their removal, or refusing to act in the said trust, by any writing or writings under their hands and seals from time to time and at all times hereafter during the term aforesaid to elect, nominate, and appoint, in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able persons living in the counties of Kildare, Cather-  
 lough,

lough, or Kilkenny, to be joined with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act; and all and every person or persons so to be chosen trustee or trustees to join in putting this act in execution, as they are herein before qualified to do, shall and may and are hereby impowered to act to all intents and purposes in as full, large, and ample manner, as the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall be or require.

XVIII. And be it further enacted by the authority aforesaid, That the said trustees, or any twenty one or more of them, shall meet at Timolin in the county of Kildare the second Thursday in the month of April in the year of our Lord God one thousand seven hundred and thirty two, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for putting this act in execution; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting, and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at their respective gates or turnpikes at least eight days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be held, or at some other convenient house near the said roads, on the day fortnight next after the day upon which such last meeting of the said trustees was appointed to have been held; and that the said trustees at their first meeting and at all other subsequent meetings shall defray their own charges and expences.

<sup>21</sup> trustees shall meet at Timolin second Thursday in April,

adjourn and meet near said road as often as necessary.

if not a sufficient number, the clerk fixing notice 8 days before at turnpikes shall appoint meeting a fortnight after.

Trustees to defray their expences at meeting.

None having place of profit out of the toll shall be trustee.

XIX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons appointed or to be appointed by this act a trustee or trustees for putting this act in execution shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted; but such person and persons shall be incapable from the time of accepting or continuing to enjoy such place of profit of acting as a trustee.

Actions shall be laid in said counties.

XX. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action shall be laid in the said counties of Kildare, Catherlough, city or county of Kilkenny, and not elsewhere; and

**A. D. 1731.** the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if on demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in any other cases by law.

Defendants may plead general issue, &c.  
and have treble costs.  
To be a public act.

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever without specially pleading the same.

## C H A P. XIX.

*An Act for repairing the road leading from the city of Kilkenny to the town of Clonmell in the county of Tipperary.*

9 G. 2. explained and amended.  
25 G. 2. 21. made more effectual.

The road not to be repaired by the ordinary course,

Trustees for repair thereof.

**W** H E R E A S the highways or roads leading from the city of Kilkenny through the town of Callan and Coolaghmore in the county of Kilkenny, and from thence to Nine-Mile-House, Kilcash Hill, and the town of Clonmell, in the county of Tipperary, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in winter season many parts thereof are impassable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually mended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highway or road, it shall be in the power of his grace the lord archbishop of Cashel, the right honourable Bazon



bazon lord viscount Duncannon, the right honourable James A. D.  
 Tynte esquire, the right reverend the lord bishop of Offory, 1731.  
 Sir Robert Maud and Sir John Osborne baronets, the honourable Chap. 19.  
 Richard Allen esquire, Sir Thomas Prendergast baronet, the ho- <sup>23 G. 2. 16.</sup>  
 nourable Henry Ponsonby, and the honourable Richard Butler <sup>may sue, &c.</sup>  
 esquires, Robert Jocelyn esquire, his Majesty's attorney-general, <sup>as if incorpo-</sup>  
 Patrick Weymes, William Gore, John Blunden, James Agar, <sup>rated,</sup>  
 Richard Dawson, Warden Flood, Henry Weymes, Edward Worth, <sup>and must</sup>  
 William Wall, Edward Deane, Luke Gardiner, Nicholas Ayl- <sup>have 50 l. per</sup>  
 ward, Henry Agar, David Chaigneau, William Flower, Ephraim <sup>ann. freehold,</sup>  
 Dawson, Thomas Medlicott, John Cuffe, James Bryan, Richard <sup>or 1000 l.</sup>  
 St. George, Francis Morris, Tobias Caulfield, Edward Warren, <sup>25 G. 2. 21.</sup>  
 James Myhill, Abraham Ruth, Charles Gore, George St. George, <sup>must have</sup>  
 Stephen Lapp, Harvey Morris, Thomas Green, John Ball, Patrick <sup>1500 l. and</sup>  
 Walsh, Ambrose Congrave, John Baily, John Gore, Henry Baker, <sup>to swear to</sup>  
 Richard Read, William Evans Morrice, James Stopford, William <sup>the value.</sup>  
 Billingsly, Henry Weymes senior, William Myhill, Morris Cuffe,  
 Samuel Mathews, Charles Sandford, Thomas Sandford, Arundel  
 Bert, Francis Duggan, Robert Way, Roger Dyos, Robert Whitby,  
 Alexander Boyd, Raphael Caulfield, Abel Warren, Kingsmil Pen-  
 nefather, John Lane, Richard Lockwood, Walter Butler, Richard  
 Buckworth, Francis North, Mathew Jacob junior, John Cleare,  
 Samuel Jacob, George Mathew, Richard Clutterbuck, William  
 Jolly, Thomas Clutterbuck, John Dawson, John Jacob, Thomas  
 Hacket, Henry Langley, Robert Low, Daniel Gahan, George  
 Burdet, John Minchin, Robert Marshall, Robert Hamerton, John  
 Power, Thomas Christmas, Thomas Newcomen, Ponsonby New-  
 comen, John Mason, Mathew Bunbury, Joseph Damer, William  
 Maynard, Richard Pennefather, John Rowe, Stephen Moore, Wil-  
 liam Wall, Godfrey Green, Richard Carlton, Guy Moore, John  
 Slaterry, George Slaughter, Kiliner Brazier, and Richard Keating  
 esquires, the reverend dean Mossom, the reverend Michael Cox,  
 the reverend Robert Watts, the reverend Henry Chandler, and  
 the reverend Henry Morris clerks, colonel Luke Keating, and  
 colonel John Butler, Charles Dunroch senior, Richard Elliott,  
 Daniel Sullivan, Arthur Helsham, Algernoon Warren, Henry  
 Baker, Edward Evans, Thomas Butler, Robert Myhill, Robert  
 Ryves, Edward Cook, John Minchin, Hugh Warren, William  
 Warren, Robert Langrish, Samuel Phillips, Roger Anderson,  
 Robert Walsh, Lionel Izod, John Barton junior, John Baker,  
 William Fitz-Gerald, John Flood, Henry Evans, Thomas War-  
 ren, William Phillips, Hugh Delacy, Charles Dunroch junior,  
 Burrell Rutledge, Michael Wall, Robert Sherrington, Joshua Par-  
 fley, Richard Phillips, Joseph Evans, Thomas Cantwell, George  
 Cole, John Vize, Richard Wheeler, James Steward, Thomas  
 Pendergast,

A. D. 1731. Pendergast, Joseph Vize, Edward Hill, Richard Shaw, William Beer, William Izod, Philip Neat, Richard Baker, Hamilton Lowe, Chap. 19. James Lowe, David Jeffy, Thomas Read, John Ladyman, William Nicholson, Peter Nicholson, William Jeffey, Philip Hacket, John Wright, Henry Blackmore, Robert Cook, Peter Cook, John Clear, Benjamin Langley, Thomas Lane, George Trayner, Richard Lockwood, Loveless Taylor, James Rowe, John Mandevill, Robert Shaw, William Connor, Redmond Hacket, John Allen, Edmond Hacket, Samuel Allen, Valentine Lanegan, Richard Flood, Luke Bray, Richard Vicars, and Robert Flood gentlemen, who are hereby nominated and appointed trustees of the said roads, and the survivors of them, that they, or any five or more of them, or such person or persons as they, or any five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes, in, or upon, or across any part or parts of the said highways or roads; and also a toll-house or toll-houses, and there shall receive and take the tolls and duties following before any horse, mare, gelding, ass, or mule, cattle, coach, Berlin, chariot, calash, chaise, chair, waggon, wain, cart, car, or other carriage, shall be permitted to pass through the same, *viz.* for every coach, Berlin, chariot, calash, chaise, or chair drawn by six horses or more the sum of one shilling; and for every coach, Berlin, chariot, calash, chaise, or chair drawn by any less number of horses than six, and more than one, six pence; for every waggon, wain, cart, or carriage with four wheels the sum of eight pence; for every wain, cart, or carriage with two wheels, having more than one horse, mare, or gelding, the sum of four pence; for every carriage commonly called a chair or chaise with one horse, mare, or gelding, the sum of three pence; for every car or other carriage having but one horse, mare, or gelding, the sum of one penny; for every horse, mare, gelding, mule, or ass, laden or unladen, and not drawing, one half-penny; for every drove of oxen or neat cattle the sum of ten pence *per* score, and so in proportion for any greater or lesser number; for every drove of calves, hogs, sheep, or lambs, the sum of five pence *per* score, and so in proportion for any greater or lesser number; which said respective sum and sums of money shall be demanded and taken in the name of or as a toll or duty; and the money so to be raised as aforesaid is and shall hereby be vested in the said trustees, and the same and every part thereof shall be paid, applied, disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed; and the said trustees, or any five or more of them, are hereby empowered by them-

Any 5 may  
erect gates,  
turnpikes, and  
toll-houses,

and take  
toll before any  
horse or car-  
riage pass  
through.

The toll.

The money  
raised vested  
in trustees;

themselves, or any person or persons by them, or any five or more of them, under their hands and seals thereunto authorized, to levy the toll or duty hereby required to be paid upon any person or persons, who shall after demand made thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods and chattles of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall and may be lawful to and for such person or persons so distraining after the space of five days after such distress made and taken to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof, after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

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any five, &c.  
may on non-payment levy by distress,

and sell after 5 days.

II. And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the toll to be collected, at any turnpike or turnpikes to be erected and set up upon the said road leading from the city of Kilkenny to the town of Clonmell in the county of Tipperary, shall be applied for and towards the repair of the said road only, and not elsewhere.

Profits of the toll, after charges paid, applied to repair said road.

III. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act, shall for gain, reward, or otherwise, willingly permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach, Berlin, chariot, calash, chaise, or chair, waggon, wain, cart, car, or other carriage, or riding, or driving any horse, ass, mule, or any sort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the said trustees, or any five or more of them, or before one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, who are hereby empowered and required to administer such oath, every person so offending shall forfeit and pay to the trustees authorized to put this act in execution the sum of ten shillings, to be levied by distress and sale of the offenders

Owners of land near a turnpike permitting passage, to avoid toll,

penalty 10s. to trustees.

A. D. 1731. goods by warrant under the hand and seal or under the hands and seals of the said trustees, or any five or more of them, or such justice or justices, rendering the overplus to the owner (if any be) the charges in taking and disposing of the said goods being first deducted.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the side of the said highways or roads across any lane or way leading out of the said road, and to build one or more toll-house or toll-houses, and there to receive and take such toll as is appointed by this act to be taken, so as the same do not extend to a double charge in case of passing through any other of the turnpikes, to be erected by virtue of this act between the said city of Kilkenny and town of Clonmell aforesaid.

V. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, at their first meeting or any succeeding meeting by writing under their hands and seals shall and may elect, nominate, and appoint, one or more fit person or persons to be receiver or receivers, collector or collectors, of such money, in the name of such toll or duty as shall be due and payable by virtue of this act; and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highway or road, and to see that the same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied, and from time

to time to remove such collectors, receivers, and surveyors, or any or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rates aforesaid to the said receiver or receivers, collector or collectors, of the said toll or duty in that behalf from time to time appointed as aforesaid; and the person or persons so appointed as aforesaid for receiving the said toll or duty, and all such surveyor or surveyors as aforesaid, shall upon oath, (if thereto required) by the trustees, or any five or more of them, or before one or more justice or justices of the peace residing near the highway or road aforesaid (which oath the said trustees, or any five or more of them, or such justice or justices is and are hereby impowered and required to administer) on the first Tuesday in every month, or oftner if required, during the continuance of this act, give in a true, exact, and perfect account in writing under their respective hands of all money, which he  
and

Gates, &c.  
may be erected  
on the side,  
cross any way  
leading out of  
said road,

and toll  
taken,  
so as no  
double charge.

5 trustees  
at meeting  
may appoint  
receivers and  
surveyors,

remove and  
appoint others.

Receivers  
and surveyors  
shall account  
in writing,  
on oath, if  
required,  
first Tuesday  
monthly, or  
oftner.

and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act by reason of their respective offices, for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any five or more of them, or to such person or persons as the said trustees, or any five or more of them (as they are qualified to act) shall by any writing or writings under their hands and seals authorize and empower to receive the same; which shall be disbursed and laid out in amending the said highways or roads according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any five or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty make such allowance unto the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons, who have been or shall be assisting in and about procuring the said highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwise relating thereunto, as to them shall seem good, so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds, and to such surveyor or surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said road; and so as such allowance or allowances to any other person or persons, who shall be employed by virtue of this act, do not exceed the sum of fifteen pounds yearly to each person: and in case the said receiver or receivers, collector or collectors, of the aforesaid toll or duty, or any of them, shall not make such account and payment unto such person or persons according to the orders and directions of the said trustees, or any five or more of them, as aforesaid, that then the said justices of the peace at any special sessions or meeting of them to be holden for the county, in which the said receiver or receivers, collector or collectors, have acted or been employed, and made such default as aforesaid, shall and are hereby required and empowered to make inquiry and finally to determine of and concerning such default as well by confession or examination upon oath of the said parties themselves, as by the testimony of one or more credible witness or witnesses upon oath, which oath they are hereby empowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof by such justices, the said justices shall upon such

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and pay surplus, as by 5 trustees directed under hand and seal,

to be laid out on the road.

Allowance to receivers, not above 30l. yearly in the whole,

to surveyors 3 s. *per diem*, while employed,

to others not above 15l. each, yearly. On default of account and payment, justices at special sessions shall inquire, and commit offenders.

A. D. such conviction commit the party or parties to the common goal  
 1731. of the county, where such offence shall be committed, there to  
 Chap. 19. remain without bail or mainprize until he or they shall have made  
 a true and perfect account and payment as aforesaid.

Surveyors,  
 &c. may dig  
 materials in  
 neighbouring  
 waste or com-  
 mon, without  
 paying,

and if not  
 sufficient, in  
 any persons  
 grounds by  
 order of 5  
 trustees, not  
 being garden,  
 &c.

11 G. 2. 17.  
 may dig in  
 potatoe gar-  
 dens.

making  
 reasonable sa-  
 tisfaction.

Differences  
 determined at  
 next assizes.

Surveyors,  
 &c. may re-  
 move annoy-  
 ances, cleanse  
 ditches ad-  
 joining, lop,  
 or cut and  
 carry away  
 trees, on  
 owner's ne-  
 glect 10 days  
 after notice in  
 writing by 5  
 trustees.

VI. And be it further enacted by the authority aforesaid,  
 That it shall and may be lawful to and for the said surveyor or  
 surveyors, and such person or persons as he or they shall appoint,  
 to dig, raise, gather, take, and carry away, any gravel, furze,  
 sand, stones, or other materials, out of any waste or common  
 of any parish, town, village, or hamlet, in or near which any  
 foundrous or ruinous places of the said highways or roads  
 do lye; and for want of sufficient gravel, furze, sand, stones,  
 or other materials there to dig, raise, gather, take, and carry  
 away the same out of the waste or common of any neighbour-  
 ing parish, town, village, or hamlet, without paying any thing  
 for the same; and where there is not sufficient of such ma-  
 terials in any commons or waste grounds near adjoining; it shall  
 and may be lawful for them by order of the said trustees, or any  
 five or more of them, to dig, raise, and gather the same, in the  
 several grounds of any person or persons, not being a garden,  
 orchard, yard, or meadow, planted walk or walks, or ave-  
 nue to a house, where any such materials are or may be found;  
 and from time to time to carry away such and so much thereof, as  
 the said surveyor or surveyors in their respective places shall ad-  
 judge necessary for the repairing and amending the said highways  
 or roads; paying such rate for such materials and for the damage  
 to the owner or occupier of the ground, from whence the same  
 shall be digged, raised, gathered, and carried away, as the trustees  
 appointed or to be appointed to put this act in execution shall  
 adjudge reasonable; and in case of any difference between such  
 owner or occupier and the said trustees touching the value of  
 the materials and damage aforesaid, the judges of assize at the  
 next general assizes and general goal-delivery to be holden in  
 the county where such materials shall be digged, raised, or ga-  
 thered, and from whence the same shall be carried away, may  
 and shall adjudge, assess, and finally determine the same.

VII. And be it further enacted by the authority aforesaid, That  
 it shall and may be lawful to and for the said surveyor or surveyors,  
 and such person and persons as he or they shall appoint, from time  
 to time to remove and prevent annoyances on any part of the said  
 highways or roads hereby intended to be repaired, by removing  
 any filth, dung, ashes, rubbish, water-courses, sinks, or drains  
 running into the said highways or roads, and by cleansing any  
 ditch or water-courses adjoining to the said roads, or by cutting  
 down, lopping, or topping any trees or bushes growing on the  
 said

saïd highways, or in the hedges or banks adjacent to the saïd highways, and to take and carry away the same; (the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances for the space of ten days after notice in writing given for that purpose under the hands of five of the saïd trustees) the charges whereof shall be reimbursed the saïd surveyor or surveyors by such owners or occupiers neglecting to cut down the saïd trees or bushes, or to remove such other annoyances as aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the saïd county where such offence shall be committed, shall for every such offence forfeit and pay unto the saïd trustees the sum of ten shillings, to be levied in manner aforesaid.

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the charge  
reimbursed by  
owner.

Offenders af-  
ter removal,  
pay on con-  
viction before  
a justice 10s.  
to trustees.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the saïd surveyor or surveyors by order of the saïd trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains through any grounds lying contiguous to the saïd roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the saïd highways or roads by opening, clearing, and laying into the saïd highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the saïd trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the saïd highways or roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the saïd highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices of the peace, or the major part of them, at the next general assizes or quarter-sessions to be holden for the county, in which such ground shall be laid into the saïd highways or roads, and through which any such drain or drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-courses, ditch or ditches adjoining to the saïd highways or roads shall neglect or refuse to scour or cleanse such water-

Surveyors  
by order of  
5 trustees may  
make cause-  
ways, drains,  
and arches in  
grounds con-  
tiguous,

and widen  
the roads, the  
ground not  
being garden,  
&c.

and make  
trenches:

reasonable  
satisfaction,  
to owner,

assessed at  
assizes or ses-  
sions on any  
difference.

A. D. 1731. Chap. 19. courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them to such owner or owners, it shall and may be lawful to and for the surveyor or surveyors to set any man or men to work to scour, or cleanse, and make the same, and by warrant from any five or more of the said trustees to levy the charges thereof upon the persons, goods, or estates of the owner or owners, occupier or occupiers of such water-course, ditch or ditches, by distress and sale of his, her, or their goods and chattles, rendring the overplus (if any be) to the said owner or occupier, after all charges paid.

Surveyor may cleanse water-courses and deepen ditches, on owner's neglect 10 days,

23 G. 2. 16. and by warrant of 5 trustees levy the charge.

15 trustees may assign the toll as security for money borrowed for speedy repair,

IX. And forasmuch as the money so to be collected by such receipt of the said toll will not at present be sufficient for the speedy repairing of the said highways or roads : be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall, and may, and are hereby impowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof (the costs and charges whereof to be born and paid out of such toll or duty) for any term or time during the continuance of this act, as a security for any sum or sums of money by them to be borrowed for that purpose, to such person or persons or their trustees, who shall advance and lend the same to secure the repayment thereof with lawful interest, or less, if the same can be so had ; which said money borrowed shall be applied and disposed, of as the toll or duty is by this act to be applied and disposed of, and to no other use, intent, or purpose whatsoever.

Persons delivering ticket of payment at one gate, not liable to pay at another,

X. Provided always, That in case there shall be more than one gate or turnpike in, across, or on the side of the said highways or roads between the said city of Kilkenny and town of Clonmell, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis, shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said highway or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day ; and no person or persons having occasion to pass the place or places where the toll or duty is taken, who shall return the same day upon or with

nor returning same day with same horse or carriage.



with the same horse, mare, gelding, ass, mule, cattle, coach, A. D. chariot, berlin, chaise, chair, calash, waggon, cart, car, or other 1731. carriage, shall be liable or compellable the same day to pay the Chap. 19. said toll or duty more than once on the said road.

XI. And for preventing frauds and abuses in the said toll or duty; be it further enacted by the authority aforesaid, That if any person or persons having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets as hereby directed, shall give or dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving, such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed (which oath the said trustees and the said justice or justices are hereby impowered to administer) shall respectively forfeit and pay the sum of ten shillings; to be levied, recovered, and disposed of as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horseback shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Kilkenny and Tipperary, or citizens for the said city of Kilkenny, or for any burghs to serve in Parliament for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through any of the turnpike or turnpikes to be erected with any milch cows, horse, mare, or gelding, ass, or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, car, or other carriage, for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made.

XIV. Provided also, and it is hereby declared, That no person shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the

Giver and receiver of a ticket to avoid payment of toll, forfeit 10 s. respectively.

Toll free on days of election for Kilkenny and Tipperary, &c.

§ trustees may compound for a sum to be paid quarterly. 23 G. 2. 16. 25 G. 2. 21.

exempt from toll, carrying materials for repair of the road, &c.

A. D. 1731. Chap. 19. the parishes in which the same do lie, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty for any carts, cars, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry, in order to the using or repair of the same in the several parishes in which the said high ways or roads hereby intended to be repaired do lie; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle, going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage, provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, cars, or other carriages attending them, or for horses, waggons, carts, cars, or other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another.

corn in straw,  
implements of husbandry used in parishes where the roads lye:  
cattle going to water, &c.  
Post-horse with the mail,  
waggoner's horse,  
soldiers on march,  
vagrants passed, prisoners transmitted.

Continuance 21 years from 1 May 1732. 25 G. 2. 21. continued 24 years, &c. except as altered.

XV. And be it further enacted by the authority aforesaid, That the toll or duty hereby granted shall take place and have continuance from and after the first day of May in the year of our Lord one thousand seven hundred and thirty two for and during the term of twenty one years.

unless before the road adjudged by majority of trustees under hand and seal sufficiently repaired,

and money advanced repaid.

XVI. Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the said trustees appointed or hereafter to be chosen by virtue of this act by an adjudication under their hands and seals, that then from and after such adjudication made, and re-payment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

5 trustees, on death, removal, &c. may elect others, living in said counties.

XVII. And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained, for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, their removal, or refusing to act in the said trust, by any writing under their hands and seals from time to time, and at all times hereafter during the term aforesaid, to elect, nominate, and appoint,

appoint in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able person or persons living in the said county of Kilkenny, or county of Tipperary, to be joined with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act; and all and every person or persons so to be chosen trustee or trustees to join in putting this act in execution, as they are herein before qualified to do, shall, and may, and are hereby impowered to act to all intents and purposes in as full, large, and ample manner as the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall require.

XVIII. And be it further enacted by the authority aforesaid, That the said trustees, or any twenty one or more of them, shall meet at the Tholsel of the city of Kilkenny on the first Monday in the month of April in the year of our Lord one thousand seven hundred and thirty two, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for putting this act in execution; and if it shall happen that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at the respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house where the meeting of the said trustees was last appointed to be had, or at some other convenient house near the said roads, on the day fortnight next after the day upon which such last meeting of the said trustees was appointed to have been held, and that the said trustees at their first meeting and at all other subsequent meetings shall defray their own charges and expences.

XIX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted: but such person or persons shall be incapable from the time of accepting and continuing to enjoy such place of profit of acting as a trustee.

XX. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action shall be laid in the said county or city of

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Kilkenny,

A. D.  
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21 shall  
meet at tholsel of Kilkenny 1 Monday in April 1732.

adjourn, and meet near said road as often as necessary,

if not sufficient number, the clerk fixing notice at turnpikes 10 days before, shall appoint meeting a fortnight after.

Trustees to defray their own expences.

none having place of profit out of the toll shall be trustee.

Actions laid in said counties,

1731. A. D. Kilkenny, or county of Tipperary, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in any other cases by law.

Defendants  
may plead ge-  
neral issue,  
&c.  
and have  
treble costs.

A publick  
act.

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

#### C H A P. XX.

*An Act for repairing the road leading from the city of Cork to the brook which bounds the counties of Cork and Tipperary near the foot of Kilworth mountain.*

7 G. 2. 20.  
made more ef-  
fectual.

The road  
not to be re-  
paired by ordi-  
nary course.

WHEREAS the highways or roads leading from the city of Cork through the towns of Rathcormack, Fermoy and Clogheen, and from thence to the brook which bounds the counties of Cork and Tipperary near the foot of Kilworth mountain, by reason of the several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in winter-season many parts thereof are impassable for waggons, carts, cars, and other carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually amended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highways or roads it shall be in the power of the right honourable

James

James earl of Barrimore, the right honourable William earl of A. D.  
 Inchequin, the right honourable James lord baron Kingston, the 1731.  
 honourable James Obrien esquire, Sir Richard Mead baronet, Hen- Chap. 20.  
 ry Boyle, Redmond Barry senior, William Maynard, William <sup>trustees for</sup>  
 Charters, James Jeffreys governor of Cork, James Barry, Eaton <sup>repair thereof.</sup>  
 Stannard, Noble Dunscomb, Richard Betteworth, Hugh Dick- <sup>23 G. 2. 16.</sup>  
 son, George Dunscomb, Christopher Rogers, Stephen Moor, <sup>may sue, &c.</sup>  
 Robert Betteworth, Arthur Hide, Nicholas Colthrust, Peter <sup>as if incorpo-</sup>  
 Cary, John Michell, Redmond Barry junior, John Colthrust, <sup>and must</sup>  
 Denis Macarty esquires, the reverend master Cornelius Pyne, the <sup>have 50 l. per</sup>  
 reverend master Barry Hartwell, the reverend master Henry Har- <sup>ann. freehold,</sup>  
 rison, captain John Harrison, Devereux Sprat, John Spread, Stan- <sup>or 1000 l.</sup>  
 dish Barry, Stephen Coppinger, Thomas Cook esquires; the re-  
 verend master George Strode, the reverend master Walker Atkins,  
 the reverend master Thomas Ryder; the reverend master John  
 Thomas Atkins, John Mason, William Nuenham, George Stan-  
 nard, Wriothesly Dellerue, John Tooker, Redmond Barry, John  
 Lyfaught, Anthony Jephson, the honourable Hays St. Leger, Bar-  
 tholomew Purdon, William Causebon, William Nash, Edward  
 Hoare esquires; Sir Matthew Dean baronet, Thomas Dean, Mat-  
 thew Dean esquires, James Huelet esquire, mayor of Cork, James  
 Percy, and Robert Trevers esquires, sheriffs of Cork, alderman  
 Ambrose Craner, Alderman Edmond Knapp, alderman John  
 Morley, James Lombard, Charles Smyth, Francis Kearney, John  
 Grove, John Delacourt, Sampson Toogood esquires, captain  
 Miles Jackson, the reverend Dean——French, John Gagen  
 Stephen Grant, Daniel Hurley, Francis Haley, Ignatius Goold, John  
 Dixon, Thomas Burgefs, Walter Goold, Robert Croker, Garret  
 Gold, David Coofhin, Terence Obrien, Henry Thomas, Samuel  
 Harrison, James Barry, John Vovell, Henry Pearde, Richard  
 Pearde, John Locker, Daniel Kieve, Michael Roberts, Randal Ro-  
 berts, Thomas Cary, Thomas Farran, Richard Harrison, William  
 Pope, Benjamin Roberts, John Philpot, Edward Thornhill, Hodder  
 Roberts and Daniel Macarty gentlemen, who are hereby nominated  
 and appointed trustees of the said roads, and the survivors of them;  
 that they, or any five or more of them, or such person or persons as  
 they, or any five or more of them, shall authorize and appoint, shall <sup>any 5. may</sup>  
 and may erect, or cause to be erected, one or more gate or gates, <sup>erect gates,</sup>  
 turnpike or turnpikes, in, upon, or across any part or parts of the <sup>turnpikes, and</sup>  
 said highways or roads; and also a toll-house or toll-houses, and <sup>toll-houses,</sup>  
 there shall receive and take the tolls and duties following before <sup>and take toll,</sup>  
 any horse, mare, ass, or mule, gelding, cattle, coach, berlin, cha- <sup>before horse</sup>  
 riot, calash, chaise, chair, waggon, wain, cart, carr, or other <sup>or carriage</sup>  
 carriage, shall be permitted to pass through the same: viz. for <sup>permitted to</sup>  
 every coach, berlin, chariot, calash, chaise, or chair, drawn by <sup>pass,</sup>  
 fix

A. D. 1731. Chap. 20. <sup>the toll.</sup> six horses or more, the sum of one shilling; and for every coach, berlin, chariot, calash, chaise, or chair, drawn by any less number of horses than six, and more than two, the sum of six pence; and for every coach, berlin, chariot, calash, chaise, or chair, with four wheels and drawn by two horses only, the sum of six pence; and for every calash, chaise, or chair drawn by one horse, the sum of two pence; for every waggon, wain, cart, car, or other carriage with four wheels, the sum of eight pence; for every wain, cart, car, or other carriage with two wheels, having more than one horse, mare, or gelding, the sum of three pence; for every car or other carriage having but one horse, mare, or gelding, the sum of one penny; for every horse, mare, or gelding, ass, or mule, with one person or more riding thereon the sum of one penny; for every horse, mare, gelding, mule, or ass, laden or unladen, and not drawing, nor having any person riding thereon, one halfpenny; for every drove of oxen, or neat cattle, the sum of ten pence *per* score, and so in proportion for any greater or lesser number; for every drove of calves, hogs, sheep, or lambs, the sum of five pence *per* score, and so in proportion for any greater or lesser number; which said respective sum and sums of money shall be demanded and taken in the name of or as a toll or duty; and the money so to be raised as aforesaid is and shall hereby be vested in the said trustees, and the same and every part thereof shall be paid, applied, disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed; and the said trustees, or any five or more of them, are hereby empowered by themselves, or any person or persons by them, or any five or more of them, under their hands and seals thereunto authorized, to levy the toll or duty hereby required to be paid upon any person or persons, who shall after demand made thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods and chattles of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall and may be lawful to and for such person or persons so distraining after the space of five days after such distress made and taken to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof, after such toll, duty, and reasonable costs and charges for distraining and keeping the same shall be deducted and paid.

The money  
raised vested  
in the trustees,

any 5 *l.*  
may on non-  
payment  
levy by distress,  
and sell  
after 5 days.

II. And be it further enacted by the authority aforesaid, That A. D. 1731.  
out of the first money arising from the profits of the several turn- Chap. 18.  
pikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this  
act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses; and from and after such  
charges and expences shall be fully satisfied and paid, that then  
and from thenceforth the profits arising and the toll to be col-  
lected at any turnpike or turnpikes, to be erected and set upon  
the road leading from the city of Cork to the brook which  
bounds the counties of Cork and Tipperary, near the foot of  
Kilworth mountain, shall be applied for and towards the repair of  
the said road only, and not elsewhere.

Profits of  
toll, after  
charges paid,  
laid out on the  
road.

III. And be it further enacted by the authority aforesaid, That  
if any person or persons whatsoever owning, renting, or occupy-  
ing any land near unto any turnpike to be erected in pursuance of  
this act shall for gain, reward, or otherwise wittingly or willingly  
permit any person or persons whatsoever to pass through any gate,  
passage, or way, with any coach, berlin, chariot, calash, chaise,  
or chair, waggon, wain, cart, car, or carriage, or riding or driving  
any horse, ass, mule, or any sort of cattle, to avoid the payment  
of the toll hereby appointed to be paid, and be thereof convicted  
upon oath before the said trustees, or any five or more of them, or  
before one or more justice or justices of the peace for the county,  
where such offence or offences shall be committed, who are hereby  
impowered and required to administer such oath; every person so  
offending shall forfeit and pay to the trustees authorized to put this  
act in execution the sum of ten shillings, to be levied by distress  
and sale of the offenders goods by warrant under the hand and seal  
or under the hands and seals of the said trustees, or any five or  
more of them, or such justice or justices of the peace; rendering  
the overplus to the owner (if any be) the charges in taking and  
disposing of the said goods being first deducted.

Owners of  
land near a  
turnpike per-  
mitting pas-  
sage to avoid  
toll.

Penalty 10 s.  
to trustees.

IV. And be it further enacted by the authority aforesaid, That  
it shall and may be lawful to and for the said trustees, or any five  
or more of them, to erect one or more gate or gates, turnpike or  
turnpikes, on the side of the said highways or roads across any lane  
or way leading out of the said road, and to build one or more  
toll-house or toll-houses, and there to receive and take such toll,  
as is appointed by this act to be taken; so as the same do not ex-  
tend to a double charge in case of passing through any other of  
the turnpikes to be erected by virtue of this act between the said  
city of Cork and the said brook, which bounds the counties of  
Cork and Tipperary, near the foot of Kilworth mountain aforesaid.

Gates, &c.  
may be erect-  
ed on the side,  
across any way  
leading out of  
the road,

and toll  
taken,

so as no  
double charge.

**A. D.** V. And be it further enacted by the authority aforesaid, That the  
 1731. said trustees, or any five or more of them, at their first meeting or  
 Chap. 20. any succeeding meeting by writing under their hands and seals shall  
 and may elect, nominate, and appoint one or more fit person or persons  
 to be receiver or receivers, collector or collectors, of such money,  
 in the name of such toll or duty, as shall be due and payable by  
 virtue of this act, and also one or more fit person or persons to be  
 surveyor or surveyors to see the condition of the said highways or  
 roads, and to see that the same be repaired and amended, and that  
 the money arising and expended by virtue of this act be duly ap-  
 plied; and from time to time to remove such collectors, receivers,  
 and surveyors, or any or either of them, as they shall see occasion,  
 and appoint new ones in case of death or of such removal; and  
 such person or persons, as is or are by this act liable to pay the said  
 toll or duty, is and are hereby required to pay the same after the  
 rates aforesaid to the said receiver or receivers, collector or col-  
 lectors, of the said toll and duty in that behalf from time to time  
 appointed as aforesaid; and the person or persons so appointed  
 as aforesaid for receiving the said toll and duty, and all such survey-  
 or and surveyors as aforesaid, shall upon oath, if thereto required  
 by the trustees, or any five or more of them, or before one or more  
 justice or justices of the peace residing near the highway or road  
 aforesaid (which oath the said trustees or any five or more of them,  
 or such justice or justices of the peace is and are hereby impowered  
 and required to administer) on the first Tuesday in every month, or  
 oftner, if required, during the continuance of this act, give in a  
 true, exact, and perfect account in writing under their respective  
 hands of all moneys, which he and they, and every or any of  
 them, shall to such time have received, paid, and disbursed by  
 virtue of this act by reason of their respective offices, for which  
 oath no fee or reward shall be taken; and in case any money so  
 received shall remain in their or any of their hands, the same shall  
 be paid to the said trustees, or any five or more of them, or to  
 such person or persons as the trustees, or any five or more of  
 them, (as they are qualified to act) shall by any writing or writ-  
 ings under their hands and seals authorize and impower to receive  
 the same; which shall be disbursed and laid out in amending the  
 said highways or roads according to the true intent and meaning  
 of this act, and not otherwise; and the said trustees, or any five  
 or more of them, to whom such account shall be given, shall and  
 may out of the money arising by the said toll or duty make such  
 allowance to the said receiver or receivers, collector or collec-  
 tors, and the surveyor or surveyors, for and in consideration of his  
 and their care and pains respectively taken in the execution of his  
 and their office and offices, and to such other person or persons  
 who

5 trustees  
at meeting  
may appoint  
receivers and  
surveyors,

remove and  
chuse others.

Account in  
writing, on  
oath if re-  
quired, first  
tuesday  
monthly, or  
oftner,

surplus  
paid to trus-  
tees, &c. and  
laid out on the  
road.

Allowance  
to receivers  
not above 30l.  
per ann. in the  
whole,



who have been or shall be assisting in and about procuring the said A. D. highways and roads to be amended and repaired by advancing and 1731. laying out any moneys, or otherwise relating thereto, as to them Chap. 20. shall seem good; so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds; and to such surveyor or surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said roads; and <sup>to surveyors, 3 s. per diem while employed,</sup> so as such allowance or allowances to any other person or persons, who shall be employed by virtue of this act, do not exceed the sum of fifteen pounds yearly to each person; and in case the said <sup>to others not above 15 l. each yearly.</sup> receiver or receivers, collector or collectors, of the afore said toll and duty, or any of them, shall not make such account and payment unto such person and persons according to the orders and directions of the said trustees, or any five or more of them as afore said; that <sup>On default of account and payment justices at special sessions shall inquire,</sup> then the said justices of the peace at any special sessions or meeting of them to be holden for the county, in which the said receiver or receivers, collector or collectors, have acted or been employed, and made such default as afore said, shall and are hereby required and impowered to make inquiry and finally to determine of and concerning such default as well by confession or examination upon oath of the said parties themselves, as by the testimony of one or more credible witness or witnesses upon oath, which oath they are hereby impowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof <sup>and commit offenders.</sup> by such justices, the said justices shall upon such conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as afore said.

VI. And be it further enacted by the authority afore said, That it shall and may be lawful to and for the said surveyor or <sup>Surveyors, &c. may raise materials in neighbouring waste or common without paying,</sup> surveyors, and such person or persons as he or they shall appoint, to dig, raise, gather, take, and carry away any gravel, furze, sand, stones, or other materials out of any waste or common of any parish, town, village, or hamlet, in or near which any founderos or ruinous places of the said highways or roads do lye; and for want of sufficient gravel, furze, sand, stones, or other materials there to dig, gather, raise, take, and carry away <sup>and if not sufficient, in any person's grounds by order of 5 trustees not a garden, &c. 11 G. 2. 17.</sup> the same out of the waste or common of any neighbouring parish, town, village, or hamlet, without paying any thing for the same; and, where there is not sufficient of such materials in any common or waste grounds near adjoining, it shall and may be lawful for them by order of the said trustees, or any five or more of <sup>may dig in potatoe ground.</sup> them, to dig, raise, and gather the same in the several grounds of

**A. D. 1731.** of any person or persons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof as the said surveyor or surveyors in their respective places shall adjudge necessary for the repairing and amending the said highways or roads; paying such rate for such materials and for the damage to the owner or occupier of the ground, from whence the same shall be digged, raised, gathered, and carried away, as the trustees appointed or to be appointed to put this act in execution, or any five or more of them, shall adjudge reasonable; and in case of any difference between such owner and occupier and the said trustees touching the value of the materials and damage aforesaid, the judges of assize, or the justices of the peace at the next general assizes and general goal-delivery, or quarter-sessions, to be holden in the county where such materials shall be digged, raised, or gathered, and from whence the same shall be carried away, may and shall adjudge, assess, and finally determine the same.

paying, as  
5 trustees  
judge reason-  
able,

Differences  
determined at  
assizes or ses-  
sions.

Surveyors,  
&c. may re-  
move annoy-  
ances,

lop, or cut  
and carry a-  
way trees,

on neglect  
of owner 10  
days after no-  
tice in writing  
by 5 trustees:

Offenders,  
after removal,  
on conviction  
before a justice  
forfeit 10 s. to  
trustees.

Surveyors  
by order of  
5 trustees may  
make cause-  
ways, drains,  
and arches  
in ground  
contiguous,

**VII.** And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, and such person or persons as he or they shall appoint, from time to time to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired by removing any filth, dung, ashes, rubbish, or water-courses, adjoining to the said roads, or by cutting down, lopping, or topping any trees or bushes growing in the said highways, or in the hedges or banks adjacent to the said highways, and to take and carry away the same (the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances, for the space of ten days after notice in writing given for that purpose under the hands of five of the said trustees) the charges whereof shall be reimbursed the said surveyor or surveyors by such owners or occupiers neglecting to cut down the said trees or bushes, or remove such other annoyances aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace of the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees the sum of ten shillings, to be levied in manner aforesaid.

**VIII.** And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make

make drains, through any ground lying contiguous to the said A. D. roads, and to erect arches of brick, timber, or stone thereupon; 1731. and also to widen any of the narrow parts of the said high- Chap. 20. ways or roads, by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying <sup>and widen the road by taking in ground not garden, &c. and dig trenches;</sup> contiguous to such highways or roads, not being a house, garden, orchard, planted-walk, or avenue to a house; and also to cause ditches and trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair; making such <sup>reasonable</sup> satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said <sup>satisfaction made,</sup> highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damage which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices of the peace, or the major <sup>Difference settled at assizes or sessions.</sup> part of them, at the next general assizes or quarter-sessions to be holden for the county in which such ground shall be laid into the said highways or roads, or through which any such drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-courses, ditch or ditches, adjoining to the said highways or roads shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the said surveyor or surveyors shall <sup>Surveyors may cleanse water-courses and deepen ditches on neglect of owner 10 days after notice.</sup> adjudge proper and convenient, after ten days notice shall be given <sup>23 G. 2. 16.</sup> for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them, to such owner or owners, it shall and may be lawful to and for the surveyor or surveyors to set any man or men to work to scour or cleanse and make the same, and by warrant from any five or <sup>and by warrant of 5 trustees levy the charge.</sup> more of the said trustees to levy the charges thereof upon the persons goods or estates of the owner or owners, occupier or occupiers, of such water-course, ditch or ditches, by distress and sale of his, her, or their goods and chattles, rendring the overplus (if any be) to the said owners or occupiers after all charges paid.

IX. And forasmuch as the money, so to be collected by such receipt of the said toll, will not at present be sufficient for the speedy repairing of the said highways or roads: be it further enacted by the authority aforesaid, That the said trustees, or any nine or <sup>9 trustees may assign the toll as security for money borrowed for speedy repair of the road.</sup> more of them, shall, and may, and are hereby empowered from

A. D. time to time by writing under their respective hands and seals  
 1731. to assign over the said toll or duty hereby granted, or any part  
 Chap. 20. thereof (the costs and charges whereof to be born and paid out  
 of such toll or duty) for any term or time during the continu-  
 ance of this act, as a security for any sum or sums of money  
 by them to be borrowed for that purpose, to such person or per-  
 sons, or their trustees, who shall advance and lend the same,  
 to secure the re-payment thereof with the lawful interest thereof,  
 or less, if the same can be so had; which said money borrowed  
 shall be applied and disposed of, as the said toll or duty is by  
 this act to be applied and disposed of, and to no other use, in-  
 tent, or purpose whatsoever.

Persons de-  
 livering ticket  
 of payment at  
 one gate, not  
 liable to pay  
 at another,

nor return-  
 ing same day  
 with same  
 horse or car-  
 riage.

Given and  
 receiver of a  
 ticket to avoid  
 toll respec-  
 tively forfeit  
 10 s.

X. Provided always, That in case there shall be more than  
 one gate or turnpike in, across, or on the side of the said high-  
 ways or roads between the said city of Cork and the said brook,  
 which bounds the counties of Cork and Tipperary near the foot  
 of Kilworth Mountain aforesaid, no person or persons having paid  
 the toll or duty at the first gate or turnpike, through which such  
 person or persons shall pass, and producing a note or ticket that  
 the said toll or duty was paid (which note or ticket the re-  
 ceiver or receivers, collector or collectors, is and are hereby  
 required to give *gratis*) shall be liable to pay any toll or duty  
 at any other of the gates and turnpikes upon or on the side of  
 the said highway or road, such person or persons delivering  
 the said note or ticket to the said receiver or receivers, collector  
 or collectors, of the said toll or duty at the latter gate or turnpike  
 the same day; and no person or persons, having occasion to pass  
 the place or places where the toll or duty is taken, and who shall re-  
 turn the same day upon or with the same horse, mare, gelding,  
 ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash,  
 waggon, cart, car, or other carriage, shall be liable or compella-  
 ble the same day to pay the said toll or duty more than once on  
 the said road.

XI. And for preventing frauds and abuses in the said toll or  
 duty; be it enacted by the authority aforesaid, That if any  
 person or persons, having paid the toll or duty by this act  
 granted and made payable, and having such note or ticket,  
 notes or tickets, as hereby directed, shall give or dispose of  
 the same to any other person or persons in order to avoid  
 the payment of the said toll or duty, every such person giv-  
 ing, disposing, or offering, and the person receiving, such note  
 or ticket, notes or tickets, and being thereof convicted upon  
 oath before the said trustees, or any five or more of them,  
 or before any one or more justice or justices of the peace  
 for the county wherein such offence or offences shall be com-  
 mitted,

mitted, which oath the said trustees or the said justice or justices A. D. are hereby impowered to administer, shall respectively forfeit and 1731. pay the sum of ten shillings ; to be levied, recovered, and dis- Chap. 20. posed of, as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horse-back shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the counties of Cork and Tipperary, or citizens for the said city of Cork, or for any burghes to serve in Parliament for any borough in the said counties respectively ; any thing herein contained to the contrary notwithstanding.

Toll-free  
on days of  
election for  
Cork, Tippe-  
rary, &c.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through the turnpike or turnpikes to be erected with any milch cows, horse, mare, or gelding, ass or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, carr, or other carriage, for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made.

5 trustees  
may com-  
pound for any  
sum, payable  
quarterly.  
23 G. 2. 16.

XIV. Provided also, and it is hereby declared, that no person shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lye, or in any neighbouring parishes ; nor shall any person or persons be chargeable with the said toll or duty for any carts, carrs, or waggons, loaded with corn in the straw only ; nor for any ploughs, harrows, or any implements of husbandry, in order to the using or repairing of the same in the several parishes in which the said highways or roads hereby intended to be repaired do lye ; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage, provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage ; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, cars, or other carriages attending them ;

Persons ex-  
empt from toll.

7 G. 2. 20.  
Horses with  
sand for ma-  
nure.

A. D. them ; or for horses, waggons, carts, cars, or other carriages travelling with vagrants sent by passes, or with prisoners trans-  
 1731. mitted from one part of the kingdom to another.  
 Chap. 20.

*Continuance*  
 21 years from  
 25 Mar. 1732.  
 7 G. 2. 20.  
*continued 22*  
*years, &c.*  
*except as alter-*  
*ed.*  
 XV. And be it enacted by the authority aforesaid, That the toll or duty hereby granted shall take place and have continuance only from and after the twenty fifth day of March in the year of our Lord one thousand seven hundred and thirty two for and during the term of twenty one years.

*unless the*  
*road adjudged*  
*before by*  
*majority of*  
*trustees under*  
*hand and seal*  
*sufficiently*  
*repaired,*  
*and money*  
*advanced re-*  
*paid.*  
 XVI. Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the trustees, appointed or hereafter to be chosen by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and repayment of such money as shall have been advanced or borrowed, with interest for the same, and the costs and charges thereof, the tolls and duties shall cease and determine ; any thing herein contained to the contrary notwithstanding.

*5 trustees,*  
*on death, re-*  
*moval, or re-*  
*fusing to act,*  
*may elect o-*  
*thers living in*  
*said counties.*  
 XVII. And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting this act in execution and all and every the powers in this act contained for and during the continuance thereof, it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, removal, or refusing to act in the said trust, by any writing or writings under their hands and seals from time to time and at all times hereafter during the term aforesaid to elect, nominate, and appoint, in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able persons living in the said counties of Cork or Tipperary, to be joined with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act ; and all and every person or persons so to be chosen trustee or trustees to join in putting this act in execution, as they are herein before qualified to do, shall, and may, and are hereby impowered to act, to all intents and purposes in as full, large, and ample manner, as the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall be and require.

*15 trustees*  
*to meet at*  
*Rathcormuck,*  
*adjourn and*  
*meet near said*  
*road as often*  
*as necessary.*  
 XVIII. And be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall meet at Rathcormuck in the county of Cork on the second Monday in the month of March in the year of our Lord one thousand seven hundred and thirty one, and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees,

trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at the respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be had, or at some other convenient house near the said roads, on the day fortnight next after the day upon which such last meeting of the said trustees was appointed to have been held; and that the said trustees at their first meeting and at all other subsequent meetings shall defray their own charges and expences.

A. D.

1731.

Chap. 20.

If not sufficient number, the clerk fixing notice at the turnpikes 10 days before shall appoint meeting a fortnight after.

Trustees to defray their charges.

XIX. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted: but such person or persons shall be incapable from the time of accepting and continuing to enjoy such place of profit, of acting as a trustee.

None having place of profit out of the toll shall be trustee. 7 G. 2. 20. no trustee shall undertake for repair.

XX. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action shall be laid in the said county or city of Cork or county of Tipperary, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited or discontinue his action, after the defendant or defendants shall have appeared, or if on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in any other cases by law.

Actions shall be laid in said counties,

Defendants plead general issue, &c.

and have treble costs.

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

A publick

A. D.

1731.

## C H A P. XXI.

*An act for repairing the road leading from the town of Naas in the county of Kildare to the town of Maryborough in the Queen's-county.*

7 G. 2. 17.  
made more ef-  
fectual.

19 G. 2. 20.

Not to be  
repaired by  
the ordinary  
course.

Trustees  
for repair  
thereof.

23 G. 2. 16.  
may sue, &c.  
as if incorpo-  
rated.

and must  
have 50 l. per  
ann. freehold,  
or 1000 l.

**W**H E R E A S the highways or roads leading from the town of Naas in the county of Kildare to the towns of Kildare, Lackagh, Monstereven, and from thence to the town of Maryborough in the Queen's-county, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in winter-season many parts thereof are impassable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the end that the said highways or roads may with convenient speed be effectually mended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highways or roads, it shall be in the power of the most reverend father in God doctor John Hoadley, lord archbishop of Dublin and primate of Ireland, the right honourable Robert earl of Kildare, the right honourable Richard earl of Cavan, the right honourable Algernoon earl of Montrath, the right honourable Edward earl of Drogheda, the right honourable Joshua lord viscount Allen, the right honourable Brabazon lord viscount Duncannon, the right honourable Richard lord baron Gowran, the right reverend father in God Welbore lord bishop of Kildare, the right reverend Arthur lord bishop of Ferns, the right reverend Edward lord bishop of Ossory, the right honourable Sir Ralph Gore baronet, speaker of the honourable the house of commons, the right honourable William Conolly esquire, the honourable Robert Allen esquire, the honourable William Ponsonby esquire, the honourable Richard Allen esquire, Sir Gerald Aylmer baronet, Sir John St. Leger knight, Sir Walter Burrows baronet, Sir John Byrn baronet, Sir John Denny Vesey baronet, Maurice Keating, Arthur Blennerhasset, Henry Rose, Nicholas Aylward, John Waller, Nicholas Loftus, Agmondisham Vesey, Edward



Edward Stratford, Richard Weisley, Gerald Miffett, John A. D. Stratford, Eyre Evans, Hays St. Leger, Thomas Carter, Robert Dixon, Thomas Burgh of Naas, William Burgh, Hugh Henry, Thomas Burgh of Birt, Robert Harman, John Bourke, Alexander Graydon, Lewis Jones of Asbaldstown, John Warburton, James Eustace of Yeomanstown, Patrick Lattin, Lawrence Steel senior, Stephen Palfrey, James Medlycott, Thomas Nugent, Edward Loftus, John Digby, Ephraim Dawson, Richard Warburton junior, William Flower, William Stannus, Richard Warburton senior, John Barrington, Warner Westera, William Wall, St. Leger Gilbert, Pigot Sandes, William Herbert, William Henry Dawson, Bartholomew Gilbert, James Hamilton, Thomas Hawkshead, Periam Pole, Thomas Tennison, Josias Champagne, Skeffington Smith, Southwell Pigot, Emanuel Pigot, William Despard, William Fitz-Gerald, Richard Sandes, Richard Despard, John Warburton junior, John Morton, Lewis Moore, William Pleasants, Jonah Barrington, Philip Beard, William Bland, Arthur Weldon, Euseby Stratford, Hunt Walsh, Ralph Wallis, Pole Cosby, John Despard, William Finn, Robert Finn, Walter Stephens, Peter Frankford, John Pigot, Colclough Pigot, George Pigot, Joseph Cuffe, John Short, William Trench, Robert Dillon of Capokeel, John Preston, Nathaniel Preston, Godfrey Wills, Thomas Palmer, Thomas Keating, Richard Warren, Richard Nuttal, John Lee, Robert Burrows, Boyle Spencer, James Mc. Manus, Daniel Dun of Brittas, James Butler of Ballyadams, Joseph Fish, Trevor Loyd, Gerald Fitz-Gerald, Francis Annesly esquires, the reverend James Higgins, the reverend doctor Marlay, the reverend William Dawson, the reverend Hugh Dawson, the reverend Henry Ally, the reverend——Curtis, the reverend Philip Farnsly, the reverend Robert Caulfield, the reverend Roger Lyndon clerks, the sovereign of the town of Kildare for the time being, Daniel Brown, Edward Medlycott, Francis Brown, Thomas Medlycott, Robert Brown, Thomas Fitz-Gerald gentlemen, George Terry, George Warburton, Samuel Medlycott, William Carden, Nathaniel Mitchell, William Scott, Luke Dempsey, Pierce Moore, Thomas Crofdall, John Kelly of Clanricker, Hector Graham, William Gray, Jonathan Baldwin, Francis Knight, Mathew Casson, John Lewis, Nathaniel Julian, William Despard junior, Gilbert Wall, Courfey Ireland senior, Stephen Fitz-Gerald, Courfey Ireland junior, George Moss, John Ridgeway, Jonathan Pasley, Colin Maxwell, John Pettigrew, John Beale, Nicholas Dowdall, John Ralph, Ephraim Steuart, Benjamin Gale, Francis Lodge, Dudley Fitz-Gerald, William Ridgeway,

A. D. Ridgeway, Joshua Strongman senior, Joshua Strongman junior,  
 1731. Thomas Gates, Francis Gates, William Wilcox, Valentine  
 Chap. 21. Chetwood, John Booker, Edward Brerton, Patrick Henderson,  
 ~~~~~ Nathaniel Jackson, John Doxey, lieutenant James Walsh, John  
 Houghton, Thomas Pigot, Henry Lewis, William Bambrick,  
 Henry Sumner, William Pole, Thomas Bunbury, Thomas  
 Maughan, George Graydon, James Bates, Francis Tyde,  
 George Warren, Richard Prior, William Vicars, Samuel Tydd,  
 John Baldwin, Joseph Baldwin, Murrough Graydon, John  
 Wheatley, Richard Price, John Cosby, Thomas Graydon, Ed-  
 mond Roan, John Hanigan, Thomas Colley, John Whitley,  
 Hugh Graham, James Barrington, James Fitz-Gerald, Richard  
 Vicars, Robert Flood, Henry Barry, Thomas Moss, Richard  
 Graham, Edmond Dempsey and Luke Dempsey junior, gen-  
 tlemen, who are hereby nominated and appointed trustees of the  
 said roads, and the survivors of them, that they, or any five  
 or more of them, or such person or persons as they, or any five  
 or more of them, shall authorize and appoint, shall and may  
 erect, or cause to be erected, one or more gate or gates, turn-  
 pike or turnpikes, in, or upon, or across any part or parts of  
 the said highways or roads; and also a toll-house or toll-houses,  
 and there shall receive and take the tolls and duties following  
 before any horse, mare, gelding, ass, or mule, cattle, coach,  
 Berlin, chariot, calash, chaise, chair, waggon, wain, cart, car,  
 or other carriage, shall be permitted to pass through the same,  
 (viz.) for every coach, Berlin, chariot, calash, chaise, or chair,  
 drawn by six horses or more the sum of one shilling; for every  
 coach, Berlin, chariot, calash, chaise, or chair, drawn by any  
 less number of horses than six, and more than two, the sum of  
 eight pence; for every coach, Berlin, chariot, calash, chaise,  
 or chair, having four wheels, and drawn by two horses only, the  
 sum of six pence; for every waggon, wain, cart, or carriage  
 with four wheels the sum of eight pence; for every wain, cart,  
 or carriage with two wheels, having more than one horse, mare,  
 or gelding, ass or mule, the sum of three pence; for every car-  
 riage, commonly called a chair or chaise with one horse, mare,  
 or gelding, the sum of two pence; for every car or other car-  
 riage, having but one horse, mare, gelding, ass, or mule, the  
 sum of one penny; for every horse, mare, or gelding, ass, or  
 mule, with one person or more riding thereon the sum of one  
 penny; for every horse, mare, gelding, ass, or mule, laden or  
 unladen, and not drawing, or having any person riding thereon,  
 one halfpenny; for every drove of oxen or neat cattle the sum  
 of ten pence *per* score, and so in proportion for any greater or  
 lesser number; and for every drove of calves, hogs, sheep, or  
 lambs,

Any 5 may  
 erect gates,  
 turnpikes and  
 toll-houses,

and take  
 toll before  
 horse or car-  
 riage permit-  
 ted to pass.

The toll.

7 G. 2. 17.  
 altered.

19 G. 2. 20.

lambs, the sum of five pence *per* score, and so in proportion for A. D. any greater or lesser number; which said respective sum and sums 1731. of money shall be demanded and taken in the name of or as a Chap. 21. toll or duty; and the money so to be raised as aforesaid is and shall hereby be vested in the said trustees, and the same and every <sup>Money raised vested in trustees.</sup> part thereof shall be paid, applied, disposed of, and assigned to, and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed; and the said trustees, or any five or more of them, are hereby impowered by themselves, or any person or persons by them, or any five or <sup>Any 5 may for non-payment levy by distress,</sup> more of them, under their hands and seals thereunto authorized, to levy the toll or duty hereby required to be paid upon any person or persons, who shall after demand made thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods upon which such toll or duty is by this act imposed, or upon any other of the goods and chattels of such person or persons who ought to pay the same, and may detain and keep the same until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall <sup>and sell after 5 days.</sup> and may be lawful to and for such person and persons so distraining, after the space of five days after such distress made and taken, to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

II. And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, and toll-house or toll-houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the toll to be collected at any turnpike or turnpikes to be erected and set up on the said road, leading from the said town of Naas to the town of Maryborough in the Queen's-county aforesaid, shall be applied for and towards the repair of the said road only, and not elsewhere. <sup>Profits of toll, after paying charges, applied to repair the road.</sup>

III. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act, shall for gain, reward, or otherwise, willingly permit <sup>Owners of land near a turnpike permitting passage to avoid toll,</sup> any person or persons whatsoever, to pass through any gate, passage, or way, with any coach, Berlin, chariot, calash, chaise, or chair, waggon, wain, cart, car, carriage, or riding or driving

A. D. any horse, ass, mule, or any sort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, who are hereby impowered and required to administer such oath, every person so offending shall forfeit and pay to the trustees authorized to put this act in execution the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal or under the hands and seals of the said trustees, or any five or more of them, or such justice or justices, rendering the overplus to the owner (if any be) the charges in taking and disposing of the said goods being first deducted.

Penalty  
10 s. to trustees.

Gates, &c. IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the side of the said highways or roads across any lane or way leading out of the said road; and to build any toll-house or toll-houses, and there to receive and take such toll as is appointed by this act to be taken, so as the same do not extend to a double charge, in case of passing through any other of the said turnpikes, to be erected by virtue of this act between the said town of Naas and the said town of Maryborough as aforesaid.

may be erected on the side, cross any way leading out of said road, and toll taken,

so as no double charge.

5 trustees at meeting may elect receivers and surveyors,

remove and appoint others.

V. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, at their first meeting or any succeeding meeting by writing under their hands and seals shall and may elect, nominate, and appoint, one or more fit persons or persons to be receiver or receivers, collector or collectors of such money in the name of such toll or duty, as shall be due and payable by virtue of this act; and also one or more fit person or persons to be surveyor or surveyors to see the condition of the said highways or roads, and to see that the same be repaired and amended, and that the money arising and expended by virtue of this act be duly applied; and from time to time to remove such collectors, receivers, or surveyors, or any, or either of them, as they shall see occasion, and appoint new ones in case of death or of such removal; and such person or persons, as is or are by this act liable to pay the said toll or duty, is and are hereby required to pay the same after the rate aforesaid to the said receiver or receivers, collector, or collectors of the said toll or duty in that behalf from time to time appointed as aforesaid; and the person or persons, so appointed as aforesaid for receiving the said toll or duty, and all such

such surveyor or surveyors as aforesaid shall upon oath (if thereto required) by the trustees, or any five or more of them, or before one or more justice or justices of the peace residing near the highways or roads aforesaid, which oath the said trustees, or any five or more of them, or such justice and justices is and are hereby impowered and required to administer, on the first Tuesday in every month, or oftner (if required) during the continuance of this act, give in a true, exact, and perfect account in writing under their respective hands of all moneys, which he and they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act, by reason of their respective offices; for which oath no fee or reward shall be taken; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said trustees, or any five or more of them, or to such person or persons as the said trustees, or any five or more of them (as are qualified to act) shall by any writing or writings under their hands and seals authorize and impower to receive the same which shall be disbursed and laid out in amending the said highways or roads; according to the true intent and meaning of this act, and not otherwise; and the said trustees, or any five or more of them, to whom such account shall be given, shall and may out of the money arising by the said toll or duty, make such allowances to the said receiver or receivers, collector or collectors, and the surveyor or surveyors, for and in consideration of his and their care and pains respectively taken in the execution of his and their office and offices, and to such other person or persons, who shall have been or shall be assisting in and about procuring the said highways and roads to be amended and repaired by advancing or laying out any moneys, or otherwise relating thereunto, as to them shall seem good; so as such allowance or allowances to such collector or collectors do not annually exceed in the whole the sum of thirty pounds, and to such surveyor or surveyors the sum of three shillings *per diem*, during such time or times as he or they shall be respectively employed in the repair of the said roads; and so as such allowance or allowances to any other person or persons, who shall be employed by virtue of this act, do not exceed the sum of fifteen pounds yearly to each person; and in case the said receiver or receivers, collector or collectors, of the aforesaid toll and duty, or any of them, shall not make such account and payment unto such person and persons according to the orders and directions of the said trustees, or any five or more of them as aforesaid, that then the said justices of the peace at any special sessions or meeting of them, to be holden for the county in which the

A. D. 1731.

Chap. 21.

Account in writing, on oath if required, 1st Tuesday monthly, or oftner,

and any surplus paid to trustees, &c. and laid out on the road.

Allowance to receivers, not above 30*l.* yearly in the whole,

to surveyors 3*s.* *per diem*.

to others employed, 15*l.* each yearly.

On default of account and payment, justices at special sessions shall inquire, and commit offenders.

the said

A. D. 1731. *Chap. 21.* said receiver or receivers, collector or collectors have acted or been employed, and make such default as aforesaid, shall make inquiry of, and concerning such default as well by confession of the said parties themselves, as by the testimony of one or more credible witness or witnesses upon oath, which oath they are hereby impowered and required to administer without fee or reward; and if any person or persons shall be convicted thereof by such justices, the said justices shall upon conviction commit the party or parties to the common goal of the county, where such offence shall be committed, there to remain without bail or mainprize untill he or they shall have made a true and perfect account and payment as aforesaid.

Surveyors,  
*&c.* may raise  
 materials in  
 neighbouring  
 waste or com-  
 mon, without  
 paying,

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors, and such person or persons as he or they shall appoint, to digg, raise, gather, take, and carry away any gravel, furze, sand, stones, or other materials out of any waste or common of any parish, town, village or hamlet, in or near which any fountains or ruinous places of the said highways or roads do lie, and for want of sufficient gravel, furze, sand, stones, or other materials there, to digg, raise, gather, take, and carry away the same out of the waste or common of any neighbouring parish, town, village, or hamlet, without paying any thing for the same; and where there is not sufficient of such materials in any common or waste grounds near adjoining, it shall and may be lawful for them by order of the said trustees, or any five or more of them, to digg, raise, and gather the same in the several grounds of any person or persons, not being a house, garden, orchard, yard, or meadow, planted walk or walks, or avenue to a house, where any such materials are or may be found, and from time to time to carry away such and so much thereof as the said surveyor or surveyors in their respective places shall adjudge necessary for the repairing and amending the said highways or roads; paying such rate for such materials, and for the damage to the owner or occupier of the ground, from whence the same shall be digged, raised, gathered, and carried away, as the trustees appointed or to be appointed to put this act in execution, or any five or more of them, shall adjudge reasonable; and in case of any difference between such owner or occupier and the said trustees touching the value of the materials and damage aforesaid, the judges of assize, or the justices of the peace at the next general assizes and general goal-delivery or quarter-sessions, to be holden in the county where such materials shall be digged, raised, or gathered, and from whence the same

and, if not  
 sufficient, may  
 by order of 5  
 trustees dig in  
 any person's  
 grounds, not  
 a house, garden,  
 &c.

11 G. 2. 17.  
*may dig in potatoe gardens.*

making reasonable satisfaction,

differences  
 determined at  
 assizes or sessions.

same shall be carried away, may and shall adjudge, assess, and finally determine the same. A. D.

1731.

VII. And be it further enacted by the authority aforesaid, Chap. 21.

That it shall and may be lawful to and for the surveyor or surveyors, and such person or persons as he or they shall appoint, from time to time, to remove and prevent annoyances on any part of the said highways or roads hereby intended to be repaired by removing any filth, dung, ashes, rubbish, water-courses, sinks, or drains running into the said highways or roads, and by cleaning any ditch or water-courses adjoining to the said roads, or by cutting down, lopping, or topping any trees or bushes growing in the said highways, or in the hedges or banks adjacent to the said highways, and to take and carry away the same; the owners or occupiers neglecting to cut down such trees or bushes, or to remove such other annoyances for the space of ten days after notice in writing given for that purpose under the hands of five of the said trustees, the charges whereof shall be reimbursed the said surveyor or surveyors, by such owners or occupiers neglecting to cut down the said trees or bushes, or remove such other annoyances as aforesaid; and if after removal of any such annoyances any person or persons shall again offend in the like kind, every such person or persons so offending, and being thereof convicted upon oath before one or more justice or justices of the peace for the said county where such offence shall be committed, shall for every such offence forfeit and pay unto the said trustees the sum of ten shillings, to be levied in manner aforesaid.

Surveyors, &c. may remove annoyances on neglect of owner 10 days after notice in writing by 5 trustees,

charges reimbursed by owner.

Offenders after removal, on conviction before a justice forfeit 10 s. to trustees.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said surveyor or surveyors by order of the said trustees, or any five or more of them, to make or cause to be made causeways, and to cut and make drains, through any ground lying contiguous to the said roads, and to erect arches of brick, timber, or stone thereupon; and also to widen any of the narrow parts of the said highways or roads by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways or roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said highways

Surveyors by order of 5 trustees may make causeways, drains, and arches, in grounds contiguous,

and widen the road, by opening ground, not a garden, &c.

and make trenches;

reasonable satisfaction to owner,

A. D. highways or roads through which any such drain or drains shall  
 1731. be cut, or on which any such arch or arches shall be made, for the  
 Chap. 21. damage which he or they shall or may thereby sustain, as shall be  
 assessed and adjudged by the next going judge or judges of assize,  
 or the justices of the peace, or the major part of them, at the next  
 general assizes or quarter-sessions to be holden for the county in  
 which such ground shall be laid into the said highways or roads,  
 or through which any such drain or drains, ditch or ditches, shall  
 be cut or made, or on which such arch or arches shall be erected  
 or made, or such causeways made, in case of any difference con-  
 cerning the same; and if any owner or occupier of any water-  
 course, ditch or ditches, adjoining to the said highways or roads  
 shall neglect or refuse to scour or cleanse such water-course, and to  
 make such ditches so deep, and in such manner, as the surveyor  
 or surveyors shall judge proper and convenient, after ten days  
 notice shall be given for that purpose by such surveyor or survey-  
 ors to be appointed, or such person or persons as shall be appoint-  
 ed, by him or them, to such owner or owners, it shall and may  
 be lawful to and for the surveyor or surveyors to set any man or  
 men to work to scour, cleanse, and make the same, and by  
 warrant from any five or more of the said trustees to levy the  
 charges thereof upon the persons, goods, or estates of the owner or  
 owners, occupier or occupiers, of such water-course, ditch or  
 ditches, by distress and sale of his, her, and their goods and chat-  
 tles, rendering the overplus (if any be) to the said owner or occu-  
 pier after all charges paid.

difference  
 settled at as-  
 sises or sessi-  
 ons.

Surveyors,  
 &c. may  
 cleanse water-  
 courses and  
 ditches, on  
 neglect of  
 Owner after  
 10 days no-  
 tice,

23 G. 2. 16.

and by war-  
 rant of 5 trus-  
 tees levy the  
 charge.

15 trustees  
 may assign  
 the toll as se-  
 curity for mo-  
 ney borrowed  
 for speedy re-  
 pair of the  
 road.

IX. And forasmuch as the money to be collected by such re-  
 ceipt of the said toll will not be sufficient for the speedy re-  
 pairing the said highways and roads: be it further enacted by the  
 authority aforesaid, That the said trustees, or any fifteen or more of  
 them, shall, and may, and are hereby impowered from time to time  
 by writing under their respective hands and seals to assign over the  
 said toll or duty hereby granted, or any part thereof, the costs and  
 charges whereof to be born and paid out of such toll or duty,  
 for any term or time during the continuance of this act, as a secu-  
 rity for any sum or sums of money by them to be borrowed for  
 that purpose, to such person or persons, or their trustees, who shall  
 advance and lend the same, to secure the repayment thereof with  
 lawful interest, or less, if the same can be so had; which said money  
 borrowed shall be applied and disposed of, as the said toll or duty  
 should have been applied and disposed of by this act, and to no  
 other use, intent, or purpose whatsoever.

Persons de-  
 livering tick-  
 et of pay-  
 ment at

X. Provided always, That in case there shall be more than  
 one gate or turnpike in, cross, or on the side of the said high-  
 ways



ways or roads between the said town of Naas and the said A. D. town of Maryborough, no person or persons having paid the toll 1731. or duty at the first gate or turnpike, through which such per- Chap. 21. son or persons shall pass, and producing a note or ticket that the said toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby re- one gate, not liable to pay at another, quired to give gratis, shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said highways or roads, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons having occasion to pass the place or places, where the toll or duty is taken, and who shall nor return- ing the same day on same horse or car- riage. return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, berlin, chariot, chaise, chair, calash, waggon, cart, carr, or other carriage, shall be lyable or compellable the same day to pay the said toll or duty more than once on the said road.

XI. And for preventing frauds and abuses in the said toll or duty; be it enacted by the authority aforesaid, That if any per- Giver and receiver of a ticket to avoid toll forfeit 10 s. respectively. son or persons having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give or dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, which oath the said trustees or the said justice or justices are hereby impowered and required to administer, shall respectively forfeit and pay the sum of ten shillings; to be levied, recovered, and disposed of, as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

XII. Provided always, and it is hereby declared, That during the continuance of this act all coaches and passengers on horse- Toll free on election days for Kildare and Queen's county, &c. back shall pass and repass toll-free on the day or days, on which there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Kildare and Queen's-County, or for any burgesses to serve in Parliament for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are Any five may compound, for any sum, payable quarterly. hereby 23 G. 2. 16.

A. D. hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through the turnpike or turnpikes, to be erected in pursuance of this act, with any milch cows, horse, mare, or gelding, ass or mule, or with any coach, berlin, calash, chaise, chair, waggon, cart, car, or other carriage, for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made.

Persons exempt from toll:

7 G. 2. 17.  
cars with turf.  
19 G. 2. 20.  
with hay and  
corn untrestled.

XIV. Provided also, and it is hereby declared, that no person shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by this act, who shall carry any quantities of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lye, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty for any carts, carriages, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry in order to the using and repairing the same in the several parishes, in which the said highways or roads hereby intended to be repaired do lye; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage; provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, carriages, or other carriages attending them, or for horses, waggons, carts, carriages, or other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another.

Continuance  
21 years from  
10 March  
1731.

7 G. 2. 17.  
continued 22  
years, &c. except as altered;  
which act is  
further continued (except as altered) 41  
years, &c. by  
19 G. 2. 20.  
unless before the road  
adjudged by  
majority of  
trustees, un-

XV. And be it further enacted by the authority aforesaid, That the said toll and duty hereby granted shall take place, and have continuance, only from and after the tenth day of March in the year of our Lord God one thousand seven hundred and thirty one for and during the term of twenty one years.

XVI. Provided nevertheless, That if at any time before the expiration of the said term of twenty one years all parts of the said road shall be sufficiently amended and repaired, and so adjudged by the majority of the trustees, appointed or hereafter to be chosen by virtue of this act, by an adjudication under their hands and seals, that then from and after such adjudication made, and re-payment of such money as shall have been advanced

vanced or borrowed, with interest for the same, and the costs A. D. and charges thereof, the tolls and duties shall cease and determine; any thing herein contained to the contrary notwithstanding. 1731. Chap. 21.

XVII. And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for putting in execution all and every the powers in this act contained for and during the continuance thereof it shall and may be lawful to and for the said trustees, or any five or more of them, upon the death of any of the said trustees, or any of their removal, or refusing to act in the said trust, from time to time, and at all times hereafter during the term aforesaid, by any writing or writings under their hands and seals to elect, nominate, and appoint, in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able persons, living in the said counties of Kildare and Queen's-county, to be joyned with the said trustees in the execution of all and every the power and powers in them reposed by virtue of this act; and all and every person or persons, so to be chosen trustee or trustees to joyn in putting this act in execution, as they are herein before qualified to do, shall, and may, and are hereby impowered to act to all intents and purposes, in as full, large, and ample manner, as they the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall be or require.

der hand and seal sufficient-ly repaired. Any five on death, removal, or refusing to act, may elect others living in said counties.

XVIII. And be it further enacted by the authority aforesaid, That the said trustees, or any twenty one or more of them, shall meet at the bridge of Monastereven in county of Kildare on the second Wednesday in the month of March in the year of our Lord one thousand seven hundred and thirty one; and the said trustees shall then adjourn themselves, and afterwards meet there, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees, a sufficient number of trustees to act at such meeting and to adjourn to any other day, then and in such case the clerk to the said trustees by notice in writing, to be affixed at the respective gates or turnpikes at least ten days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of the said trustees was last appointed to be held, or at some other convenient house near the said roads, on the day fortnight next

21 trustees to meet at Monastereven Bridge, adjourn and meet near said road, as often as necessary, if not sufficient number; the clerk fixing notice at the turnpikes, 10 days before, shall appoint meeting a fortnight after.

A. D. after the day on which such last meeting of the said trustees  
 1731. was appointed to have been held ; and that the said trustees at  
 Chap. 21. their first meeting and at all other subsequent meetings shall  
 defray their own charges and expences.

Trustees at  
 meeting defray  
 their charges.

None having  
 place of pro-  
 fit out of the  
 toll shall be  
 trustee.

XIX. Provided always, and be it further enacted by the au-  
 thority aforesaid, That no person or persons, appointed or to be  
 appointed by this act a trustee or trustees for putting this act in  
 execution, shall have or accept of any place of profit arising out  
 of, or by reason of the toll or duty by this act laid or granted ;  
 but such person or persons shall be incapable from the time of  
 accepting and continuing to enjoy such place of profit, of acting  
 as a trustee.

Suits laid in  
 said counties,

defendants  
 may plead ge-  
 neral issue, &c.

and have  
 treble costs on  
 nonsuit, &c.

A publick  
 act.

XX. And be it further enacted by the authority aforesaid,  
 That if any suit shall be commenced against any person or per-  
 sons for any thing done in pursuance of this act, in every such  
 case the action shall be laid in the said county of Kildare or  
 Queen's County, and not elsewhere ; and the defendant or de-  
 fendants in such action or actions to be brought may plead the  
 general issue, and give this act and the special matter in evidence  
 at any tryal to be had thereupon, and that the same was done  
 in pursuance and by the authority of this act ; and if it shall ap-  
 pear so to be done, or that such action or actions shall be brought  
 in any other county, that then the jury shall find for the defen-  
 dant or defendants ; and upon such verdict, or if the plaintiff  
 shall be nonsuited, or discontinue his action after the defendant  
 or defendants shall have appeared, or if on any demurrer judg-  
 ment shall be given against the plaintiff, the defendant or de-  
 fendants shall and may recover treble costs, and have the like re-  
 medy for the same, as any defendant or defendants hath or have  
 in any other cases by law.

XXI. And be it further enacted by the authority aforesaid,  
 That this act shall be deemed, adjudged, and taken to be a pub-  
 lick act, and be judicially taken notice of as such by all judges,  
 justices, and other persons whatsoever, without specially pleading  
 the same.

*An act for repairing the road leading from the town of New-Castle in the county of Lymerick to the city of Lymerick, and from thence to the city of Cork.*

**W**HEREAS the highway or road leading from the town of New-Castle in the county of Lymerick through the towns of Rathkeal and Adair in the said county to the city of Lymerick, and from thence through the towns of Bruff and Kilmallock in the said county of Lymerick, and from thence through the towns of Ballyhawra, Mallow, and White-Church in the county of Cork, and from thence to the said city of Cork, by reason of several hollow ways, and of the many and heavy carriages frequently passing through the same, are become so ruinous and bad, that in winter season many parts thereof are impassable for wag-gons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary course appointed by the laws and statutes of this realm be effectually mended and kept in good repair: wherefore, and to the intent that the said highways or roads may with convenient speed be effectually amended, and hereafter kept in good and sufficient repair, so that all persons may travel through the same with safety; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled and by the authority of the same, That for the better surveying, ordering, amending, and keeping in repair the said highways or roads, it shall be in the power of the right honourable Richard earl of Cork and Burlington, the right honourable James earl of Barrymore, the right honourable William earl of Inchequin, the right honourable John earl of Orrery, the right honourable Richard lord viscount Shannon, the right honourable Arthur lord viscount Donerayle, the right honourable Allen lord viscount Middleton, the right honourable Charles lord viscount Fane, the right honourable John lord viscount Percival, Peter lord bishop of Cork, William lord bishop of Lymerick, Henry lord bishop of Cloyne, the right honourable James lord baron of Kingston, the right honourable George lord baron of Carbery, the right honourable Thomas lord baron Southwell, the right honourable Sir Ralph Gore baronet, the right honourable James Tynte esquire, Sir Standish Hartstonge baronet, Sir Mathew Deap baronet, the honourable Henry Boyle, Eyre Evans, the honour-

19 G. 2. 19.  
amended.

Not to be  
repaired by  
ordinary  
course.

Trustees  
for repair  
thereof.  
23 G. 2. 16.  
may sue, &c.  
as if incorpo-  
rated,  
and must  
have 50 l. per  
ann. freehold,  
or 1000 l.

A. D. 1731. honourable Thomas Butler, the honourable Henry Southwell, the  
 Chap. 22. of Cork for the time being, the mayor of Lymerick for the time  
 being, Anthony Jephson, Courthrope Clayton, Bartholomew  
 Purdon, John Lysaght, William Maynard, Richard Aldworth,  
 Eaton Stannard, Bellingham Boyle, Richard Bettessworth, Jonas  
 Morris, William Nuhenham, William Freeman, Nicholas Col-  
 thrust, John Colthrust, Price Hartstonge, Charles Smith, Robert  
 Oliver, William Blakeney, Berkeley Taylor, Edward Taylor, John  
 Waller, Henry Rose, William Bury, John Croker, Edward Cro-  
 ker, William Harrison, William Wilson, Philip Rawson, Robert  
 Blakeney, Robert Coote, Hugh Massey, Colthrust Langton, Fran-  
 cis Drew, Standish Grady, William Apjohn, John Upton, Samuel  
 Maunsell, Connell Vereker, Richard Burgh, Noblet Duncomb,  
 Robert Bettessworth, Ralph Westrop, John Love, Henry Wallis,  
 Nicholas Chinnery, Henry Wrixon, John Lumley, Robert Long-  
 field, John Welstead, Jon Grove, Thomas Holmes Pomeroy,  
 William Causabon, Richard Newman, John Copley, William  
 Taylor, John Dillon, Thomas Evans, Christopher Rogers, Denis  
 Mc. Carthy, Peter Smith, Abraham Devischer, John Raymond,  
 Valentine Quin, Richard Maunsell, Arthur Blennerhassett, Richard  
 Villars, Richard Ponsonby, George Roch, Nicholas Weekes,  
 Daniel Webb, Nicholas Lysaght, Charles Butler, Henry Green,  
 and Thomas Grady esquires, captain Daniel Webb, Jonas De-  
 vanshire, the reverend dean Smith, the reverend dean Jo-  
 nathan Bruce, the reverend dean Bindon, the reverend Francis  
 Gore clerk, the reverend Robert Cashin clerk, the reverend  
 George Chinnery clerk, the reverend Thomas Loyde clerk, the  
 reverend Nicholas Quaytrod clerk, the reverend Thomas Widen-  
 ham clerk, the reverend John Bunbury clerk, the reverend George  
 Roch clerk, John Walkins, Arthur Gethin, Percy Gethin, John  
 Bastable, John Freeman, Simon Davis, Thomas Gibbins, Chri-  
 stopher Farbery, John Harper gentlemen, alderman Edmond  
 Knapp, alderman John Askins, alderman Edward Hore, alder-  
 man Joseph Austin, Augustus Carree gentlemen, alderman Hugh  
 Miller, James Percy, Edward Trevers gentlemen, alderman John  
 Vincent, alderman ——— Holland, James Godsell, James Knight,  
 Robert Holmes, Thomas Holmes, Thomas Chinnery, Joseph  
 Gubbins, Francis Creed, Edward Creed, John Creed, Edward  
 Thornhill, John Norcot, Edward Norcot, and William Norcot  
 gentlemen, Southwell Pigot, Samuel Bindon, David Bindon,  
 George Rose, William Monfell, Henry Quin, Robert Loyd,  
 Rice Blennerhassett, Richard Nash, Kilner Brazier, Vere Royse,  
 Arthur Vincent, Richard Roch, Anthony Parker, Francis Burton,  
 John

John Southwell, George Green, Anthony Copley, Robert Powell, A. D. Maurice Wall, Francis Sergint, Alexander Elliott, the reverend 1731. Thomas Rider clerk, Thomas Grady, William Charters, Thomas Chap. 22. Burgh, Francis Hodder, Thomas Wade, Charles Butler, John Smith, Henry Knight, Thomas Dean, Thomas Moore, Thomas Wallis, Edward Thornhill, Francis Austin, William Baldwin, George Forebery, Edward Upton, William Massey esquires, who are hereby nominated and appointed trustees of the said roads, and the survivors of them, that they, or any five or more of them, or such person or persons as they, or any five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or across any part or parts of the said highways or roads; and also a toll-house or toll-houses, and there shall receive and take the tolls and duties following before any horse, mare, gelding, ass, or mule, cattle, coach, Berlin, chariot, calash, chaise, chair, waggon, wain, cart, car, or other carriage, shall be permitted to pass through the same, viz. for every coach, Berlin, chariot, calash, chaise, or chair drawn by six horses or more the sum of one shilling; and for every coach, Berlin, chariot, calash, chaise, or chair drawn by any less number of horses than six, and more than two, the sum of six pence; and for every coach, Berlin, chariot, calash, chaise, or chair, drawn by two horses, or one only, the sum of three pence; for every waggon, wain, cart, carr, or other carriage with four wheels the sum of one shilling; for every wain, cart, carr, or carriage with two wheels, having more than one horse, mare, gelding, ass, or mule, the sum of three pence; for every carr or other carriage having but one horse, mare, gelding, ass, or mule, the sum of one penny; for every horse, mare, gelding, ass, or mule, whereon one or more persons shall ride, one penny; for every horse, mare, gelding, mule, or ass, laden or unladen, and not drawing, nor having any person riding thereon, one half-penny; for every drove of oxen or neat cattle the sum of ten pence *per* score, and so in proportion for any greater or lesser number; for every drove of calves, hogs, sheep, or lambs, the sum of five pence *per* score, and so in proportion for any greater or lesser number; which said respective sum and sums of money shall be demanded and taken in the name of or as a toll or duty; and the money so to be raised as aforesaid is and shall hereby be vested in the said trustees, and the same and every part thereof shall be paid, applied, disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner, as is herein after mentioned and directed; and the said trustees, or any five or more of them, are hereby empowered by

Any 5 may erect gates, turnpikes, and toll-houses,

and take toll before any horse or carriage pass through.

The toll

19 G. 2. 19 altered.

The money raised vested in trustees;

any five may on non-payment levy by distress,

A. D. 1731. themselves, or any person or persons by them, or any five or more of them, under their hands and seals thereunto authorized, Chap. 22. to levy the toll or duty hereby required to be paid upon any person or persons; who shall after demand made thereof neglect or refuse to pay the same, by distress of any horse or horses, or other cattle or goods, upon which such toll or duty is by this act imposed, or upon any other of the goods and chattles of such person and persons who ought to pay the same, and may detain and keep the same, until such toll or duty with the reasonable charges of such distraining or keeping shall be paid; and it shall and may be lawful to and for such person or persons so distraining after the space of five days after such distress made and taken to sell the goods so distrained, returning the overplus (if any be) upon demand to the owner thereof, after such toll, duty, and reasonable costs and charges for distraining and keeping the same shall be deducted and paid.

and sell after  
5 days.

The toll  
after charges  
paid, applied  
to repair the  
several parts  
of said road  
where collect-  
ed.

II. And be it further enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes so to be erected the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the toll to be gathered and collected at any turnpike or turnpikes to be erected and set up on the said road leading from the town of New-castle in the county of Limerick, and from thence to the city of Cork, shall be, for so much thereof as arises and is collected on the said road leading from the town of Newcastle to the city of Limerick, applied for and towards the repair of the said road leading from the said town of New-castle to the city of Limerick, and towards the payment of the salaries to the collector, surveyor, and other persons stationed or employed thereon, and not elsewhere; and that so much as arises and is collected at any turnpike or turnpikes to be erected on the said road leading from the city of Limerick to the city Cork, for so much thereof as shall be collected within the county of Limerick or county of the city of Limerick, shall be applied for and towards amending and repairing that part of the said road only, which lies within the county or county of the city of Limerick: (that is to say) from the said city of Limerick to Ardskeagh bridge, and not elsewhere; and, for so much thereof as shall be collected within the county of Cork or county of the city of Cork, shall be applied for and towards repairing and amending that part of the road only, which lies within the county



county or county of the city of Cork : (that is to say) from Ard- A. D.  
skeagh-bridge aforesaid to the city of Cork, and not elsewhere; 1731.  
any thing in this act to the contrary notwithstanding. Chap. 22

III. And be it further enacted by the authority aforesaid, That Owners of  
if any person or persons whatsoever owning, renting, or occupying land near  
any land near unto any turnpike to be erected in pursuance of this turnpikes per-  
act, shall for gain, reward, or otherwise, wittingly or wil- mitting pas-  
lingly permit any person or persons whatsoever to pass through sage, to avoid  
any gate, passage, or way, with any coach, Berlin, chariot, ca- toll,  
lash, chaise, or chair, waggon, wain, cart, carr, or carriage, or  
riding, or driving any horse, ass, or mule, or any sort of cattle,  
to avoid the payment of the said toll hereby appointed to be paid,  
and be thereof convicted upon oath before the said trustees,  
or any five or more of them, or before any one or more justice or  
justices of the peace for the county where such offence or of-  
fences shall be committed, who are hereby required and impower-  
ed to administer such oath, every person so offending shall forfeit penalty 10s.  
and pay to the trustees authorized to put this act in execution the to trustees.  
sum of ten shillings; to be levied by distress and sale of the offenders  
goods by warrant under the hand and seal or under the hands  
and seals of the said trustees, or any five or more of them, or  
such justice or justices, rendering the overplus to the owner (if  
any be) the charges in taking and disposing of the said goods  
being first deducted.

IV. And be it further enacted by the authority aforesaid, Gates, &c.  
That it shall and may be lawful to and for the said trustees, or may be erected  
any five or more of them, to erect one or more gate or gates, on the side,  
turnpike or turnpikes, on the side of the said highways or roads, cross any way  
cross any lane or way leading out of the said road, and to leading out of  
build one or more toll-house or toll-houses, and there to receive said road,  
and take such toll as is appointed by this act to be taken, so and toll  
as the same do not extend to a double charge in case of passing collected,  
through any other of the turnpikes, to be erected by virtue of so as no  
this act between the said town of New-Castle in the county of double charge.  
Lymerick and city of Cork.

V. And be it further enacted by the authority aforesaid, 15 trustees  
That the said trustees, or any fifteen or more of them, at their at meeting  
first meeting or any succeeding meeting by writing under their may appoint  
hands and seals shall and may elect, nominate, and appoint, receivers and  
one or more fit person or persons to be receiver or receivers, collec- surveyors,  
tor or collectors, of such money in the name of such toll or duty,  
as shall be due and payable by virtue of this act; and also one or  
more fit person or persons to be surveyor or surveyors to see  
the condition of the said highway or road, and to see that the  
same

A. D. same be repaired and amended, and that the money arising and  
 1731. expended by virtue of this act be duly applied, and from time  
 Chap. 22. to time to remove such collectors, receivers, and surveyors, or  
 any or either of them, as they shall see occasion, and appoint  
 remove and appoint others. new ones in case of death or of such removal; and such person  
 or persons, as is or are by this act liable to pay the said toll  
 or duty, is and are hereby required to pay the same after the rates  
 aforesaid to the said receiver or receivers, collector or collec-  
 tors, of the said toll and duty in that behalf from time to time  
 appointed as aforesaid; and the person or persons so appointed  
 as aforesaid for receiving the said toll or duty, and all such  
 surveyor and surveyors as aforesaid, shall upon oath, (if thereunto re-  
 quired) by the trustees, or any five or more of them, or before  
 one or more justice or justices of the peace residing near the  
 highway or road aforesaid (which oath the said trustees, or  
 any five or more of them, or such justice or justices is and  
 are hereby impowered and required to administer) on the first  
 Tuesday in every month, or oftner if required, during the con-  
 tinuance of this act give in a true, exact, and perfect account  
 in writing under their respective hands of all moneys, which he  
 and they, and every or any of them, shall to such time have re-  
 ceived, paid, and disbursed by virtue of this act by reason of  
 their respective offices, for which oath no fee or reward shall be  
 taken; and in case any money so received shall remain in their  
 or any of their hands, the same shall be paid to the said trustees,  
 or any five or more of them, or to such person or persons as  
 the said trustees, or any five or more of them (as they are qualified  
 to act) shall by any writing or writings under their hands and  
 seals authorize and impower to receive the same; which shall be  
 disbursed and laid out in amending the said highway or road  
 according to the true intent and meaning of this act, and not  
 otherwise; and the said trustees, or any five or more of them,  
 to whom such account shall be given, shall and may out of the  
 money arising by the said toll or duty make such allowance to  
 the said receiver or receivers, collector or collectors, and the  
 surveyor or surveyors, for and in consideration of his and their  
 care and pains respectively taken in the execution of his  
 and their office and offices, and to such other person or  
 persons, who have been or shall be assisting in and about  
 procuring the said highways and roads to be amended and repaired  
 by advancing or laying out any moneys, or otherwise relating  
 thereunto, as to them shall seem good, so as such allowance or  
 allowances to such collector or collectors do not annually exceed  
 in the whole the sum of thirty pounds, and to such surveyor or  
 surveyors

Account  
 in writing,  
 on oath, if  
 required,  
 first Tuesday  
 monthly, or  
 oftner.

and any  
 surplus, paid  
 to trustees,  
 &c. and laid  
 out on said  
 road.

Allowance  
 to receivers,  
 not above 30l.  
 yearly in the  
 whole,

surveyors the sum of three shillings *per diem*, during such time A. D. or times as he or they shall be respectively employed in the re- 1731.  
pair of the said roads; and so as such allowance or allowances Chap. 22.  
to any other person or persons, who shall be employed by vir-  
tue of this act, do not exceed the sum of fifteen pounds year-  
ly to each person: and in case the said receiver or receivers, <sup>to surveyors</sup>  
collector or collectors, of the said toll and duty, or any <sup>3 s. per diem,</sup>  
of them, shall not make such account and payment unto such <sup>to others</sup>  
person and persons according to the orders and directions of <sup>employed</sup>  
the said trustees, or any five or more of them, as aforesaid, that <sup>not above 15l.</sup>  
then the said justices of the peace at any special sessions or meet- <sup>each, yearly.</sup>  
ing of them to be holden for the county, in which the said re-  
ceiver or receivers, collector or collectors, have acted or been em-  
ployed, and made such default as aforesaid, shall make inquiry  
of and concerning such default as well by confession of the said  
parties themselves, as by the testimony of one or more credible  
witness or witnesses upon oath, which oath they are hereby im-  
powered and required to administer without fee or reward; and  
if any person or persons shall be convicted thereof by such justices,  
the said justices shall upon such conviction commit the party or <sup>On default</sup>  
parties to the common goal of the county, where such offence <sup>of account and</sup>  
shall be committed, there to remain without bail or mainprize un- <sup>payment, jus-</sup>  
til he or they shall have made a true and perfect account and pay- <sup>trices at special</sup>  
ment as aforesaid. <sup>sessions shall</sup>  
<sup>inquire,</sup>

VI. And be it further enacted by the authority aforesaid, <sup>Surveyors,</sup>  
That it shall and may be lawful to and for the said surveyor or <sup>Ec. may raise</sup>  
surveyors, and such person or persons as he or they shall appoint, <sup>materials in</sup>  
to dig, raise, gather, take, and carry away, any gravel, furze, <sup>any neigh-</sup>  
sand, stones, or other materials, out of any waste or common <sup>bouring waste</sup>  
of any parish, town, village, or hamlet, in or near which any <sup>or common,</sup>  
founderous or ruinous places of the said highways or roads <sup>without pay-</sup>  
do lye; and for want of sufficient gravel, furze, sand, stones, <sup>ing,</sup>  
or other materials there to dig, gather, raise, take, and carry <sup>and if not</sup>  
away the same out of the waste or common of any neighbour- <sup>sufficient, in</sup>  
ing parish, town, village, or hamlet, without paying any thing <sup>any persons</sup>  
for the same; and where there is not sufficient of such ma- <sup>grounds by</sup>  
terials in any commons or waste grounds near adjoyning, it shall <sup>order of 5</sup>  
and may be lawful for them by order of the said trustees, or any <sup>trustees, not</sup>  
five or more of them, to dig, raise, and gather the same, in the <sup>being garden,</sup>  
several grounds of any person or persons, not being a garden, <sup>Ec.</sup>  
orchard, yard, or meadow, planted walk or walks, or ave- <sup>11 G. 2. 17.</sup>  
nue to a house, where any such materials are or may be found, <sup>may dig in</sup>  
and from time to time to carry away such and so much thereof, as <sup>potatoe gar-</sup>  
the said surveyor or surveyors in their respective places shall ad- <sup>dens.</sup>

A. D. judge necessary for the repairing and amending the said highways  
 1731. or roads; paying such rate for such materials and for the damage  
 Chap. 22. to the owner or occupier of the ground from whence the same  
 shall be digged, raised, gathered, and carried away, as the trustees  
 appointed or to be appointed to put this act in execution, or  
 any five or more of them, shall adjudge reasonable; and in case  
 of any difference between such owner or occupier and the said  
 trustees touching the value of the materials and damage aforesaid  
 the judges of assize or the justices of the peace at the next general  
 assizes and general goal-delivery or quarter-sessions, to be holden  
 in the county where such materials shall be digged, raised, or  
 gathered, and from whence the same shall be carried away, may  
 and shall adjudge, assess, and finally determine the same.

reasonable  
 satisfaction to  
 owner.

Difference  
 settled at ass-  
 zes or sessions.

Surveyors,  
 &c. may re-  
 move annoy-  
 ances, on  
 owner's ne-  
 glect 10 days  
 after notice in  
 writing by 5  
 trustees.

Owners to  
 reimburse the  
 charge.

Offenders af-  
 ter removal,  
 on conviction  
 before a justice  
 forfeit to tru-  
 stees 10s.

Surveyors  
 by order of  
 5 trustees may  
 make cause-  
 ways, drains,  
 and arches in  
 grounds con-  
 tiguous,

VII. And be it further enacted by the authority aforesaid, That  
 it shall and may be lawful to and for the said surveyor or surveyors,  
 and such person or persons as he or they shall appoint, from time  
 to time to remove and prevent annoyances on any part of the said  
 highways or roads hereby intended to be repaired, by removing  
 any filth, dung, ashes, rubbish, water-courses, sinks, or drains  
 running into the said highways or roads, and by cleansing any  
 ditch or water-courses adjoining to the said roads, or by cutting  
 down, lopping, or topping any trees or bushes growing on the  
 said highways, or in the hedges or banks adjacent to the said  
 highways, and to take and carry away the same; (the owners or  
 occupiers neglecting to cut down such trees or bushes, or to re-  
 move such other annoyances for the space of ten days after notice  
 in writing given for that purpose under the hands of five of the said  
 trustees) the charges whereof shall be reimbursed the said surveyor  
 or surveyors by such owners or occupiers neglecting to cut  
 down the said trees or bushes, or remove such other annoyances  
 as aforesaid; and if after removal of any such annoyances any  
 person or persons shall again offend in the like kind, every such  
 person or persons so offending, and being thereof convicted upon  
 oath before one or more justice or justices of the peace for the  
 said county where such offence shall be committed, shall for every  
 such offence forfeit and pay unto the said trustees the sum of ten  
 shillings, to be levied in manner aforesaid.

VIII. And be it further enacted by the authority aforesaid,  
 That it shall and may be lawful to and for the said surveyor or  
 surveyors by order of the said trustees, or any five or more of  
 them, to make or cause to be made causeways, and to cut and  
 make drains through any ground lying contiguous to the said  
 roads, and to erect arches of brick, timber, or stone thereupon;  
 and also to widen any of the narrow parts of the said highways or  
 roads

roads by opening, clearing, and laying into the said highways or roads any grounds of any person or persons lying contiguous to such highways or roads, not being a house, garden, orchard, planted walk, or avenue to a house; and also to cause ditches or trenches to be made in such places and in such manner, as such surveyor or surveyors by order of the said trustees, or any five or more of them, shall adjudge necessary for the better amending and keeping the said highways and roads in good repair; making such reasonable satisfaction to the owner or occupier of such ground, which shall be so laid in or unto the said highways or roads, or through which any such drain or drains shall be cut, or on which any such arch or arches shall be made, for the damages which he or they shall or may thereby sustain, as shall be assessed and adjudged by the next going judge or judges of assize, or by the justices of the peace, or the major part of them, at the next general assizes or quarter-sessions to be holden for the county, in which such ground shall be laid into the said highways or roads, or through which any such drains, ditch or ditches, shall be cut or made, or on which such arch or arches shall be erected or made, or such causeways made, in case of any difference concerning the same; and if any owner or occupier of any water-courses, ditch or ditches, adjoining to the said highways or roads shall neglect or refuse to scour or cleanse such water-courses, and to make such ditches so deep, and in such manner, as the surveyor or surveyors shall adjudge proper and convenient, after ten days notice shall be given for that purpose by such surveyor or surveyors to be appointed, or such person or persons as shall be appointed by him or them to such owner or owners, it shall and may be lawful to and for the surveyor or surveyors to set any man or men to work to scour, or cleanse, and make the same, and by warrant from any five or more of the said trustees to levy the charges thereof upon the persons, goods, or estates of the owner or owners, occupier or occupiers of such water-course, ditch or ditches, by distress and sale of his, her, or their goods and chattles, rendring the overplus (if any be) to the said owner or occupier, after all charges paid.

IX. And forasmuch as the money so to be collected by such receipt of the said toll will not at present be sufficient for the speedy repairing of the said highways or roads: be it further enacted by the authority aforesaid, That the said trustees, or any fifteen or more of them, shall, and may, and are hereby impowered from time to time by writing under their respective hands and seals to assign over the said toll or duty hereby granted, or any part thereof (the costs and charges whereof to be born and paid out of such

A. D.

1731.

Chap. 22.

and widen the road, by opening grounds not garden, &c.

and make trenches: reasonable satisfaction, to owner,

assessed, on difference, at assizes or sessions.

Surveyors, on neglect of owners after 10 days notice, may cleanse water-courses and ditches, 23 G. 2. 16.

and by warrant of 5 trustees levy the charge.

15 trustees may assign the toll as security for money borrowed for speedy repair of the road.

A. D. such toll or duty) for any term or time during the continuance of this act, as a security for any sum or sums of money by them  
 1731. to be borrowed for that purpose, to such person or persons or their  
 Chap. 22. trustees, who shall advance and lend the same, to secure the repayment thereof with lawful interest, or less, if the same can be so had; which said money borrowed shall be applied and disposed of, as the said toll or duty is by this act to be applied and disposed of, and to no other use, intent, or purpose whatsoever.

Persons delivering ticket of payment at one gate, not liable to pay at another,

nor returning same day with same horse or carriage.

Giver and receiver of a ticket to avoid toll, forfeit respectively 10 s.

X. Provided always, That in case there shall be more than one gate or turnpike in, cross, or on the side of the said highways or roads between the said town of New-Castle in the county of Limerick and city of Cork, no person or persons having paid the toll or duty at the first gate or turnpike, through which such person or persons shall pass, and producing a note or ticket that the said toll or duty was paid (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) shall be liable to pay any toll or duty at any other of the said gates or turnpikes upon or on the side of the said highway or road, such person or persons delivering the said note or ticket to the said receiver or receivers, collector or collectors, of the said toll or duty at the latter gate or turnpike the same day; and no person or persons having occasion to pass the place or places, where the toll or duty is taken, and who shall return the same day upon or with the same horse, mare, gelding, ass, mule, cattle, coach, chariot, berlin, chaise, chair, calash, waggon, cart, ear, or other carriage, shall be liable or compellable the same day to pay the said toll or duty more than once on the said road.

XI. And for preventing frauds and abuses in the said toll or duty; be it enacted by the authority aforesaid, That if any person or persons having paid the toll or duty by this act granted and made payable, and having such note or ticket, notes or tickets, as hereby directed, shall give or dispose of the same to any other person or persons in order to avoid the payment of the said toll or duty, every such person giving, disposing, or offering, and the person receiving, such note or ticket, notes or tickets, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed (which oath the said trustees or the said justice or justices are hereby impowered to administer) shall respectively forfeit and pay the sum of ten shillings; to be levied, recovered, and disposed of as any other penalty or forfeiture is directed to be levied, recovered, and disposed of by this act.

XII. Pro-

XII. Provided always, and it is hereby declared, That during A. D. 1731. the continuance of this act all coaches and passengers on horse-back shall pass and repass toll-free on the day or days, on which Chap. 22. there shall be an election for knight or knights of the shire to serve in Parliament for the said counties of Limerick or Cork, or citizens for the said cities of Limerick or Cork, or for any burghesses to serve in Parliament for any borough in the said counties respectively; any thing herein contained to the contrary notwithstanding. Toll free on election days for Limerick or Cork, &c.

XIII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, may and are hereby impowered from time to time, as they shall see convenient or think fit, to compound or agree by the year or otherwise with any person or persons using to travel through any of the turnpike or turnpikes, to be erected by virtue of this act, with any milch cows, horse, mare, or gelding, ass, or mule, or with any coach, Berlin, calash, chaise, chair, waggon, cart, car, or other carriage for any sum or sums of money, to be paid quarterly from time to time after such agreement shall be made. 5 trustees may compound. 23 G. 2. 16.

XIV. Provided also, and it is hereby declared, That no person shall be charged with any of the tolls or duties aforesaid, who shall pass through any of the turnpikes to be erected by virtue of this act, who shall carry any quantity of stones, gravel, or other materials for repairing of the said roads, or any of the roads in the parishes in which the same do lie, or in any of the neighbouring parishes; nor shall any person or persons be chargeable with the said toll or duty for any carts, cars, or waggons loaded with corn in the straw only; nor for any ploughs, harrows, or other implements of husbandry, in order to the using or repairing the same in the several parishes in which the said highways or roads hereby intended to be repaired do lie; nor shall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horse, mare, gelding, ass, or mule, or other cattle, going to water, or for any post-horse carrying the mail or packet, or for such horse as is or shall be used only to ride on by the owner or driver of any waggon, cart, or carriage, provided such horse pass through the said turnpike or turnpikes with such waggon, cart, or carriage; nor shall any toll or duty be demanded or taken for the horses of soldiers passing, that are upon their march, or for waggons, carts, cars, or other carriages attending them, or for horses, waggons, carts, cars, or other carriages travelling with vagrants sent by passes, or with prisoners transmitted from one part of the kingdom to another. Persons exempt from toll,

A. D. XV. And be it further enacted by the authority aforesaid,  
 1731. That the toll and duty hereby granted shall take place and have  
 Chap. 22. continuance only from and after the twenty fifth day of April in  
 the year of our Lord one thousand seven hundred and thirty two  
 for and during the term of twenty one years.

*Continuance  
 21 years from  
 25 April  
 1732.*

*19 G. 2. 19.  
 continued 34  
 years, &c.*

*except as  
 altered.  
 unless be-  
 fore adjudged  
 by majority of  
 trustees under  
 hand and seal  
 sufficiently a-  
 mended,*

XVI. Provided always, That when ever the said road, leading  
 from the said town of New-Castle in the county of Limerick to  
 the city of Limerick, shall be sufficiently amended and repaired,  
 and so adjudged by the majority of the trustees appointed or here-  
 after to be chosen by virtue of this act, by an adjudication under  
 their hands and seals, that then from and after such adjudication  
 made, and re-payment of such money as shall have been ad-  
 vanced or borrowed, with interest for the same, and the costs  
 and charges thereof, such part of the said tolls and duties, as is  
 hereby directed to be collected upon the said road leading from  
 the said town of New-Castle to the city of Limerick, shall cease  
 and determine.

XVII. Provided also, That when ever the said road leading  
 from the city of Limerick to the city of Cork, shall be suffici-  
 ently amended and repaired, and so adjudged by the majority of  
 the trustees, appointed or hereafter to be chosen by virtue of this  
 act, by an adjudication under their hands and seals, that then  
 from and after such adjudication made, and re-payment of such  
 money as shall have been advanced or borrowed with interest for  
 the same, and the costs and charges thereof, such part of the said  
 tolls and duties, as is hereby directed to be collected upon the said  
 road leading from the said city of Limerick to the said city of  
 Cork, shall cease and determine; any thing herein contained to  
 the contrary notwithstanding.

*Any 5  
 on death, re-  
 moval, or re-  
 fusing to act,  
 may elect o-  
 thers, living  
 in said coun-  
 ties.*

XVIII. And be it further enacted by the authority aforesaid,  
 That for the continuing of a sufficient number of fit and able  
 persons to be trustees for putting in execution all and every the  
 powers in this act contained for and during the continuance  
 thereof, it shall and may be lawful to and for the said trustees, or  
 any five or more of them, upon the death of any of the said tru-  
 stees, or their removal, or refusing to act in the said trust, by any  
 writing or writings under their hands and seals from time to time,  
 and at all times hereafter during the term aforesaid, to elect, no-  
 minate, and appoint in the room of such trustee or trustees so  
 deceased, removed, or refusing to act, so many more fit and able  
 persons living in the said counties of Limerick or Cork  
 to be joined with the said trustees in the execution of all and  
 every the power and powers in them reposed by virtue of this act;  
 and all and every the person and persons so to be chosen trustee or  
 trustees,



trustees to join in putting this act in execution, as they are herein A. D. before qualified to do, shall, and may, and are hereby impowered 1731. to act to all intents and purposes in as full, large, and ample Chap. 22. manner as the said trustees are by this act impowered to do, and so *toties quoties* as often as occasion shall be or require.

XIX. And be it further enacted by the authority aforesaid, That fifteen or more of such of the said trustees, as shall act <sup>15 trustees shall meet at Killmallock and Rathkeal respectively,</sup> in relation to the road leading from the city of Limerick to the city of Cork, shall meet at Killmallock in the county of Limerick on the second Tuesday in the month of May in the year of our Lord one thousand seven hundred and thirty two, and that fifteen or more of such of the said trustees, as shall act in relation to the road leading from the town of New-Castle in the county of Limerick to the city of Limerick, shall meet at Rathkeal in the said county of Limerick on the third Tuesday in the month of May one thousand seven hundred and thirty two, and the said trustees shall respectively adjourn themselves, and afterwards meet at the said towns of Killmallock and Rathkeal <sup>adjourn, and meet near said road as often as convenient,</sup> respectively, or at any other place or places near the said highways or roads to be repaired, as the said trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this act in execution; and if it shall happen, that there shall not appear at any meeting, which shall be appointed to be had or held by the said trustees respectively, a sufficient number of trustees to act at such meeting and to adjourn to any other day, then and in such case the clerks to the said trustees by notice in writing, to be affixed at the respective gates or turnpikes on such of the said roads, for which a sufficient number of trustees shall not meet as aforesaid, at least eight days before the next meeting, shall appoint the said trustees to meet at the house, where the meeting of such trustees was last appointed to be held, or at some other convenient house near the said roads, on the day fortnight next after the day, upon which such last meeting of the said trustees was appointed to have been held, and that the said trustees at their first meeting and at all other subsequent meetings shall defray their own charges and expences.

XX. Provided always, That no meeting or meetings, adjournment or adjournments, act or acts, had or done by such trustees so meeting at the town of Killmallock, shall be of any force as to the said road leading from the town of New-Castle to the city of Limerick; nor that any meeting or meetings, act or acts, had or done by such trustees so meeting as aforesaid at Rathkeal, shall be of any force as to the said road leading <sup>No acts of trustees at Killmallock shall bind those at Rathkeal; nor the contrary.</sup>

A. D. leading from the city of Limerick to the city of Cork; any  
 1731. thing in this act to the contrary in any wise notwithstanding.  
 Chap. 22.

*None having place of profit out of the toll shall be trustee. 7 G. 2. 20. no trustee shall contract for the repair.*  
 XXI. And be it further enacted by the authority aforesaid, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting this act in execution, shall have or accept of any place of profit arising out of or by reason of the toll or duty by this act laid or granted: but such person or persons shall be incapable from the time of accepting and continuing to enjoy such place of profit of acting as a trustee.

*Actions laid in said counties only,*  
*Defendants may plead general issue,*  
 XXII. And be it further enacted by the authority aforesaid, That if any suit shall be commenced against any person or persons for any thing done in pursuance of this act, in every such case the action shall be laid in the said county of Limerick or county of Cork, and not elsewhere; and the defendant or defendants in such action or actions to be brought may plead the general issue, and give this act and the special matter in evidence at any tryal to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff should be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if on any demurrer judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in any other cases by law.

*and have treble costs.*  
*A publick act.*  
 XXIII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and to be judicially taken notice of as such by all judges, justices, and other persons whatsoever without specially pleading the same.

*An act for the relief of the creditors of James Mead and George Curtis, late bankers in the city of Dublin.*

WHEREAS James Mead and George Curtis on the thirty first day of January one thousand seven hundred and sixteen entred into a partnership as bankers to carry on the banking or exchange trade, and dealt and traded as such in divers parts of the world, and contracted, by the credit they had thereby, many considerable debts, until on the fourteenth day of June one thousand seven hundred and twenty seven the said bankers stopped payment; after which time, viz. on the seventh of October one thousand seven hundred and twenty seven the said George Curtis died intestate, and administration of all his goods and chattels, rights, and credits, was committed to the said James Mead: and whereas the said James Mead in order to satisfy the demands of the said creditors hath agreed, that not only his own real and personal estate, but also the estate and effects of the said George Curtis, which had or should come to his hands, should be sold, and perfected a letter of attorney to John Rathborne of the city of Dublin merchant to call in the debts due to the said James Mead, as administrator to the said George Curtis, and to settle the accounts of the said bank, and to receive any ballance due, and to compound and agree for all debts, which the said James Mead, as administrator to the said Curtis was intitled unto: and whereas many of the said creditors, whose debts amounted to ten thousand five hundred pounds, agreed that the said James Mead, with the consent of the said John Rathborne, Boyle Spencer, and Edward Mead, or any two of them, might sell all the real and personal estate of the said George Curtis, so as the money arising by such sale should be paid only to the said John Rathborne and Boyle Spencer, whom they appointed their trustees in that behalf, in order to be distributed amongst them share and share alike, provided the said real and personal estate was sold within twenty one days; and at the time of such agreement the said creditors delivered their cash-notes to the said John Rathborne, for which he gave his receipt, and promised to divide whatever sums, he should receive, in equal

Mead and Curtis bankers 31 January 1716.

Payment stopped 14 June 1727.

7 October 1727 Curtis died intestate. Administration to Mead.

Letter of attorney to John Rathborne.

Agreement by creditors to amount of 10,500 l. that Mead may with consent sell estate of Curtis, to be distributed, &c.

VOL. V. 7 X distribution

A. D. distribution amongst the creditors of the said said bank, with respect to their said debts : and whereas the said John Rathborne 1731. hath received several sums of money by virtue of the said letter of Chap. 23. attorney and otherwise in pursuance and in execution of the said Rathborne desirous to be discharged from the trust, afore said trust, and hath been at great trouble in collecting the same, and in defending and prosecuting several suits both at law and in equity, and otherwise, touching and on account of the said trust, and the affairs of the said partnership ; and the said John Rathborne being aged and infirm, and desirous to be discharged from the said trust, and to deliver up the said notes, and all deeds, writings, papers, and effects, in his power or custody, relating to the affairs of the said partnership, or belonging to the said James Mead, and to account for the sums by him the said John Rathborne received as afore said, and to pay over the ballance remaining in his hands, after defraying his said expences : and whereas on account of the many creditors of, and debtors to, the said James Mead and George Curtis many suits both in law and in equity may arise concerning the same, to the great delay, expence, and trouble of the said creditors : wherefore, to prevent such multiplicity of suits, and for applying the value of the estate real and personal as well of the said James Mead, as of the said George Curtis, in satisfaction of their debts, your Majesty's most dutiful subjects James lord viscount Charlemount, William Campbell, Richard Tighe, Thomas Prior, Benjamin Barrington, George Johnston, John Bayley, Richard Mathews, James Walsh, Thomas Luttrell, Darby Gaffny, and John Rathborne, in behalf of themselves and several other persons creditors of the said James Mead and George Curtis, have humbly prayed that it may be enacted, and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and singular the mannors, lands, tenements, hereditaments, rents, reversions, remainders, uses, trusts, and leases for lives, whereof the said James Mead and George Curtis were, or either of them was, seized or intitled unto either at law or in equity on the fourteenth day of June one thousand seven hundred and twenty seven, or at any time since, and which the creditors of the said James Mead and George Curtis then had a right to have applied in discharge of their debts, and also all debts which are not really and *bona fide* paid or discharged, and were then due to the said James Mead in his own right, or to the said George Curtis in his own right, or which they as partners

Rathborne  
desirous to be  
discharged  
from the trust,

to prevent  
multiplicity of  
suits,

at the petition of several  
creditors,

all the estate of said  
bankers vested  
in trustees, to  
sell, &c. for  
payment of  
their debts.

partners were intitled to, or which the said James Mead at any A. D. time was intitled unto as administrator to the said George Curtis, 1731. or so much thereof as hath not been really and *bona fide* paid Chap. 23. or discharged, and likewise all the chattels real and personal, which the said James Mead in his own right at the time aforesaid, or at any time in right of the said George Curtis as his administrator, was or is possessed of, interested in, or intitled unto, except such sum or sums of money as have been since *bona fide* paid in the discharge of any debt or debts due by the said James Mead and George Curtis, or either of them, shall according to such right, title, interest, or estate which the said George Curtis and James Mead, or either of them had, or were intitled unto, in, or to the same, and not otherwise, be, and are hereby vested, settled, adjudged, and declared to be vested and in the seizin and possession of the right honourable John Rogerfon esquire, lord chief justice of his Majesty's court of King's-bench, the right honourable Thomas Marlay esquire, lord chief baron of his Majesty's court of Exchequer, the honourable Robert Dixon esquire, one of the justices of his Majesty's court of Common-pleas, Robert Jocelyn esquire, his Majesty's attorney general, John Bowes esquire his Majesty's solicitor general, Francis Stoyte esquire, recorder of the city of Dublin, Thomas Trotter esquire doctor of laws, William Vesey esquire, one of the masters in his Majesty's high court of Chancery, Thomas Staunton esquire, one other of the masters of the said court, Thomas Jackson of the city of Dublin esquire, Richard Dawson and James Somerville aldermen of the city of Dublin, whereof three are to be a *quorum*, of which one of the said judges, or King's council, or recorder, are always to be one, trustees nominated and appointed by this act to sell and dispose of the said real estate and chattels real and personal, and to call in, compound, or recover the said debts due to the said James Mead and George Curtis for payment of the debts due from the said James Mead and George Curtis.

II. Provided always, That nothing in this act shall extend, or be construed to extend, to impeach, prejudice, or defeat any deed, conveyance, or assignment, made by the said James Mead and George Curtis, or either of them, whereby any creditor or creditors of the said James Mead and George Curtis, or either of them, is, was, or were secured, or intended to be secured, any real or just debt due to them or any of them, by the said James Mead and George Curtis, or either of them: but that the same shall continue, remain, and be in the same force, plight, and condition, Not to prejudice conveyances by them to secure just debts,

A. D. 1731. on, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Chap. 23. III. Provided also, That this act shall not extend, or be construed to extend, to divest, impeach, prejudice, or defeat any estate, right, title, or interest, which any person or persons is, can, or may be intitled unto, claim, or demand into or out of any chattel real or personal of or belonging to the said James Mead and George Curtis, or either of them, by virtue of any sale or sales made pursuant to or under any *feri facias* issued out of any of his Majesty's courts of record in Dublin against the said George Curtis and James Mead, or either of them, or which any person or persons is, are, can, or may be intitled unto, claim, or demand into or out of any the real estate of the said James Mead and George Curtis, or either of them, by virtue of any *elegit* issued out of his Majesty's said courts of record; any thing herein contained to the contrary in any wise notwithstanding.

nor claims  
under *feri*  
*facias*;

or *elegit*.

Creditors  
by 1 Nov.  
1732, shall  
exhibit claims  
before the  
trustees,

who may  
examine on  
oath,

IV. And be it enacted by the authority aforesaid, That all and every the creditor and creditors of the said James Mead and George Curtis do and shall on or before the first day of November, which will be in the year one thousand seven hundred and thirty two, enter and exhibit his and their claim or claims before the said trustees, setting forth their said debts, and the nature thereof, and how much is and shall at the time of exhibiting their said claims be and remain justly due to them respectively for principal and interest, over and above what he or they hath or have already received; which claim or claims the said trustees, or any three or more of them as aforesaid are hereby empowered to receive, examine, and determine; and that the said trustees, or any three or more of them as aforesaid, in order to the better execution of the said trust in them reposed, and of the powers hereby given, shall and may examine upon oath all such witnesses, as shall be produced before them for or against such claimant or claimants, and at the request of any of the parties concerned may by order under the hands of the said trustees, or any three or more of them as aforesaid, require and compel any witness or witnesses to appear and give their testimony before them, and may likewise examine the said claimant or claimants upon oath concerning the truth of the matters contained in their said respective claims, or any other matter relating thereunto; which said oath or oaths they are hereby empowered to administer as well to the said witness or witnesses as to the said claimant or claimants, and shall and may state and settle accounts with

with the said several creditors, or any of them, touching or concerning his, her, or their said claims and demands, and the several sums already by them, or any of them, had or received on account of their said debts, and thereupon adjudge and determine how much is and shall then be really due and justly payable to such creditor or creditors so claiming, and (if required) shall certify the same under their hands and seals or under the hands and seals of any three or more of them, as aforesaid; and that thereupon such creditor or creditors, whose said claim or claims shall be so exhibited and settled or determined, shall be intitled to no more in full discharge and satisfaction of all his and their said debts, claims, and demands, than the said sum or sums so settled or certified to be due to him or them by the said trustees, or any three or more of them, as aforesaid.

A. D.  
1731.  
Chap. 23.  
and settle  
accounts,  
and certify,  
if required.

Claimants  
intitled to no  
more

V. Provided always, and be it enacted by the authority aforesaid, That if the said claimant or claimants, or any of the said creditors, amongst whom the estate or effects of the said James Mead and George Curtis are to be divided, shall think him, her, or themselves aggrieved by any judgment or determination of the said trustees of or concerning any debt, or the *quantum* thereof, or the stating or settling the account thereof; that then it shall and may be lawful to and for such person or persons by petition to the lord chancellor, lord keeper, or commissioners of the great seal, or commissioners for hearing causes in the Chancery in this kingdom for the time being, at any time within the space of thirty successive days after such judgment or determination pronounced to appeal from such judgment or determination; the matter of which appeal shall be determined by such lord chancellor, lord keeper, or commissioners as aforesaid, in a summary way; who may oblige every person, in whose power or custody any deeds or writings shall be relating to the matter of such appeal, to lay the same before him or them in such reasonable time as he or they shall think fit, under the penalty of such fine or imprisonment, for such time, as he or they shall think reasonable; and if such party or parties so appealing shall not obtain any judgment or decree of such lord chancellor, lord keeper, or commissioners for reversing or varying such judgment or determination of the said trustees within the space of three calendar months, then the said former judgment and determination to stand and remain in force: but if any alteration shall be made therein, then the judgment or decree of such lord chancellor, lord keeper, or commissioners as aforesaid, shall be final and conclusive, as well to all parties concerned, as to the trustees for executing this act, and shall be observed and obeyed by them.

Appeal to  
Chancery in  
30 days after,

where de-  
termined in  
summary way,  
and deeds  
or writings  
produced on  
pain of fine  
and imprison-  
ment,

the former  
judgment to  
stand, if not  
reversed in 3  
months.

A. D. VI. And be it enacted by the authority aforesaid, That all  
 1731. and every the said creditor or creditors, who shall not take the  
 Chap. 23. benefit of this act, and shall not before the said first day of No-

Creditors  
 not taking be-  
 nefit of this  
 act, nor exhi-  
 biting claims,  
 nor obtaining  
 adjudication  
 in 9 months  
 after, barred.

Notice be-  
 fore 1 May  
 1732 to be  
 posted, and  
 published in  
 Gazette, &c.

exhibit their claim or claims before the said trustees as afore-  
 said, and obtain allowances thereof or adjudications thereupon  
 under the hands and seals of the said trustees, or any  
 three or more of them as aforesaid, within the space of nine  
 months from the time of exhibiting their said claim or claims,  
 shall be, and are hereby declared and adjudged to be, utterly bar-  
 red of any remedy for the recovery of his, her, or their debt or  
 debts either in law or equity out of all or any of the estate or  
 effects hereby vested in the said trustees as aforesaid due notice  
 thereof being given before the first day of May one thousand  
 seven hundred and thirty two by posting an advertisement on  
 the Tholsel and Four courts of Dublin, and causing the same to  
 be published for three weeks together in the Dublin Gazette,  
 or some other publick news-paper to be appointed by the said  
 trustees, or any three or more of them.

Adjudicati-  
 on of 3 trus-  
 tees conclu-  
 sive,

but subject  
 to said ap-  
 peal.

Claimants  
 never to re-  
 cover more,  
 nor resort to  
 collateral se-  
 curity.

VII. And be it enacted by the authority aforesaid, That all  
 and every the adjudication, judgment, and determinations of the  
 said trustees, or any three or more of them as aforesaid, upon  
 the said claim or claims, or concerning the debts or demands of  
 the several creditors, shall be, and are hereby declared and ad-  
 judged to be, finally and absolutely conclusive to the said credi-  
 tors; and also to all and every other person or persons claiming  
 or to claim all or any part of the estate or effects of the said  
 James Mead and George Curtis, subject only to such appeals as  
 aforesaid; and that all and every the creditor and creditors, who  
 shall claim his, her, or their debt or debts in manner aforesaid,  
 and whose claim or claims shall be examined, adjudged, and de-  
 termined by the said trustees, or any three or more of them as  
 aforesaid, shall never after have or recover any more, than shall be  
 adjudged to be due to him, her, or them respectively by the said  
 trustees, or on such appeals as aforesaid, nor resort to any colla-  
 teral or other security or securities for the payment of any other  
 sum whatsoever, which he, she, or they, have got from the said  
 James Mead or George Curtis for the securing of their said  
 debts.

3 trustees,  
 after 3  
 months no-  
 tice, may sell  
 by publick  
 cant, and con-  
 vey together  
 or in parcels;

VIII. And be it enacted by the authority aforesaid, That after  
 the said creditors demands are ascertained as aforesaid, the said  
 trustees, or any three or more of them, may, by publick cant,  
 after three months previous notice thereof being posted up at  
 the Tholsel and Four courts of Dublin, and published in the  
 Dublin



Dublin Gazette, or any other publick news-paper to be appointed by the said trustees, or any three or more of them, sell and dispose, and by sufficient assurances in the law convey all and singular the said lands, tenements, and chattels, of the said James Mead and George Curtis, or either of them, together or in parcels, as they shall think most expedient; and the money arising by the said sale or sales, as the same is received, first deducting the expences of this act, and all other reasonable charges to be ascertained by the said trustees, or any three or more of them, shall be paid to such creditors, as have ascertained their demands, in proportion and by equal distribution according to the quantity of their respective debts.

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and pay, after deducting charges, according to the debts.

IX. And be it enacted by the authority aforesaid, That all the said lands and premisses, which shall be sold by virtue of this act, and every part and parcel thereof, shall for ever thereafter be held and enjoyed by the several and respective purchasers thereof under this act freed, and absolutely acquitted, and for ever discharged of and from all titles, claims, challenges, estates, incumbrances, and demands of the said James Mead and George Curtis, and of and from all and every the debts and demands of the said several creditors, or any of them, or of any person or persons claiming or deriving any estate, right, title, or interest, by, from, or under them, or any of them; any thing herein contained to the contrary thereof in any wise notwithstanding.

The purchasers to hold free from all demands under said bankers.

X. And be it enacted by the authority aforesaid, That the said trustees, or any three or more of them, may and are hereby authorized to state and settle accounts with the said John Rathborne, his executors or administrators, touching the sums by him received and expended as aforesaid, in the manner herein before prescribed for settling the accounts of the creditors; which accounts so stated with the said John Rathborne, his executors or administrators, shall be final and conclusive as well to the said John Rathborne, his executors and administrators, as to the said James Mead, and all the creditors of the said James Mead and George Curtis; and that upon the said John Rathborne, his executors and administrators, delivering over unto the said trustees, or any three or more of them, the said notes, and all deeds, papers, writings, and effects in his or their possession or power, relating to the affairs of the said James Mead and George Curtis, and paying what ballance (if any) shall appear on the stating and settling of the said accounts to be in his hands, after defraying his said expences, to the said trustees, or any three or more of them,

3 trustees may settle accounts with Rathborne,

which shall be final.

Rathborne discharged, on delivery of deeds, &c. and paying ballance.

he

A. D. 1731. Chap. 23. he the said John Rathborne, his executors and administrators, and his and their goods and chattels, lands and tenements, shall be from thenceforth for ever discharged and freed of and from the said trust, and from all claims and demands whatsoever of the said James Mead, or the said creditors, or any other person on account thereof, and on account of the receipts by him given for the cash-notes herein before mentioned; and that the said trustees, or any three or more of them, shall be and are hereby impowered on the said John Rathborne, his executors or administrators, delivering to the said trustees, or any three or more of them, the said papers, deeds, writings, and effects, and paying the said balance as aforesaid, to certify the same under their hands and seals, and to deliver such certificate unto the said John Rathborne, his executors or administrators; and that the said trustees, or any three or more of them, be authorized to allow unto the said John Rathborne, his executors or administrators, any sum or sums of money for his trouble and care in the execution of the said trust, which to them shall seem reasonable, not exceeding the sum of twelve pence *per* pound for the sums by him received as aforesaid, or such other sums as he shall receive before the commencement of this act.

Trustees to  
give certificate  
to him,

and make  
him allow-  
ance, not  
above 1 s. *per*  
pound.

3 trustees  
may appoint  
registers,

with reason-  
able allow-  
ance.

1 s. *per*  
pound allow-  
ance to trus-  
tees, or such  
as attend, be-  
sides charges.

XI. And be it enacted by the authority aforesaid, That the said trustees, or any three or more of them as aforesaid, may appoint one or two person or persons to officiate under them in the execution of this act in the place or capacity of register or registers; who shall keep books, and make and keep regular entries of all their proceedings in execution of this act, and in particular of all the said claims and adjudications, and of all matters relating thereunto; and that the said register or registers shall have such reasonable allowance for his or their said service or services out of some part of the money arising by the said sale or sales, or other the effects of the said James Mead and George Curtis, as the said trustees, or any three or more of them, shall by writing under their hands and seals direct and appoint; and that the sum of twelve pence in the pound, which shall arise out of or by means of the said sale or sales, or any other the effects of the said James Mead and George Curtis, so vested in the said trustees by virtue of this act, over and above the charges of obtaining the same, and over and above all other the reasonable expences in and about putting the same in execution, shall be allowed and paid to the said trustees, or such of them as shall attend the execution of this act, and that no more be expended in execution of this trust, for and towards

towards the expence, trouble, and charge of the said trustees in A. D. attending the same; and that the said trustees, or any three or more of them, may and they are hereby authorized to call in and receive, or compound, and in default of payment in the name of the said trustees, or any three or more of them, to sue for and recover all the debts due to the said James Mead and George Curtis, and each of them, of what nature or kind soever, and at what time soever contracted, to be distributed in manner aforesaid as the same shall be paid in, first deducting thereout all such reasonable charges attending the recovery of their said debts, as shall be allowed by the said trustees, or any three or more of them; and that the said trustees shall be accountable only for what they respectively receive, and not one of them for the receipts of any other of the said trustees.

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3 trustees may call in, or compound, debts to the bankers;

accountable only for their respective receipts.

XII. And be it enacted by the authority aforesaid, That out of the first money, which shall be received by or paid to the said trustees in pursuance of this act, the expence of passing this act and all disbursements attending the same, or which were or shall be made on account thereof, shall be paid, and that in order thereto a particular account of the said disbursements be and shall be laid before the said trustees, or any three or more of them, as aforesaid, who shall examine the said particulars and order the payment thereof, or so much thereof as to them shall seem reasonable, to the person or persons, who shall appear to them to have expended the same.

Expences of this act to be first paid;

Account thereof to be examined by the trustees.

XIII. And be it enacted by the authority aforesaid, That this act, and all and every clause and part thereof, shall be deemed and taken notice of in all courts of law and equity in this kingdom as a publick act of Parliament.

a publick act.

XIV. Provided always, That this act shall not extend, or be construed to extend, to divest, impeach, prejudice, or defeat any estate, right, title, or interest, claim, or demand, either in law or equity, which Rowland Singleton clerk, John Singleton clerk, Henry Singleton, and Robert Lindsay of the city of Dublin esquires, any or either of them, hath or have in or to the town and lands of Staleban, *alias* Newtown Staleban, lying and being in the lordship of Melifont, barony of Ferrard, and county of Lowth, and the rectorial tythes thereof, the rectorial and impropriate tythes of Newtown Pass Plunket in the said barony and county, and a plot or parcel of ground extending itself along the wall in the town of Drogheda, from the totting tower to the lord primates house, the house or tenement in West-street in the said town of Drogheda, wherein the said James Mead

not to prejudice the right or claim of certain persons named.

A. D. dwells, all which said premisses were held by lease for years yet  
 1731. unexpired from Henry late earl of Drogheda deceased, and two  
 Chap. 23. houses or tenements with the back-side and garden, and the  
 rights, members, and appurtenances to them severally belonging,  
 formerly in the possession of Edward Knight and Edward Che-  
 shire, and now in the possession of William Ogle, his under-tenants  
 or assigns, lying and being in West-street in the said town  
 of Drogheda; any thing herein before contained to the contrary  
 thereof in any wise notwithstanding.

Saving the  
 right of Mar-  
 tha Wilson,

XV. Saving always unto Martha Wilson widow such right,  
 title, and interest, as she may have by virtue of an indorsement  
 signed by the said George Curtis the ninth of September one  
 thousand seven hundred and twenty seven upon a bond, perfected  
 unto the said George Curtis by Eaton Stannard esquire for one  
 thousand four hundred pounds *sterling*, conditioned for payment  
 of seven hundred pounds; for recovery of which she hath filed a  
 bill in his Majesty's high court of Chancery in Ireland against  
 the said James Mead and Eaton Stannard.

and of Anne  
 Curtis the  
 widow.

XVI. Saving also, and reserving unto Anne Curtis widow all  
 such right or title as she hath by virtue of her marriage articles,  
 or decree of his Majesty's high court of Chancery in this king-  
 dom, and such dower as she is by law intitled to recover out of  
 the real estate, which the said George Curtis was seized of at any  
 time during the coverture between him and the said Anne.

After-pur-  
 chased estate  
 of Mead dis-  
 charged from  
 all partnership  
 debts, on his  
 submitting to  
 be examined  
 on oath, mak-  
 ing full disco-  
 very, and de-  
 livering so  
 much as in  
 his power,  
 necessary ap-  
 parel except-  
 ed.

XVII. And be it further enacted by the authority aforesaid,  
 That from and after the passing of this act the said James Mead,  
 and all the estate real or personal which he shall after purchase or  
 acquire, shall be absolutely freed, exonerated, and discharged of,  
 and from all debts, sum and sums of money due and owing to any  
 creditor or creditors of the said George Curtis and James Mead as  
 partners, upon his the said James Mead's submitting to be ex-  
 amined upon oath before the said trustees, or any three or more  
 of them, and upon such examination making a full and true dis-  
 covery of all the estate and effects he is intitled to in his  
 own right, or as administrator to the said George Curtis, and  
 delivering, or causing to be delivered, so much thereof as at  
 the time of such examination shall be in his custody or power  
 (his necessary wearing-apparel excepted) to the said trustees,  
 or any three or more of them, for the uses mentioned in this  
 act; which oath the said trustees, or any three or more of them,  
 are hereby impowered to administer.

XVIII. And

XVIII. Saving and reserving unto the King's most excellent A D.  
Majesty, his heirs, and successors, and to all and every other 1731.  
person or persons, bodies politick and corporate, other than the Chap. 23.  
said James Mead, his heirs, executors and administrators, and <sup>Saving the</sup>  
other than the heirs, executors, and administrators of the said right of o-  
George Curtis, and other than the several and respective cre-thers.  
ditors of the said James Mead and George Curtis, or either  
of them, as to their respective debts and demands ; and all  
persons claiming or to claim any estate, right, title, or inte-  
rest by, from, or under such creditors, or any of them, in  
respect of such debts or demands, all such right as they, or  
any of them, may have or claim in or to the premises, as if  
this act had never been made.

The END of the FIFTH VOLUME.



9

~~P7~~

































